

HON' BLE SRI JUSTICE G. SHYAM PRASAD

C.R.P. No. 6181 of 2010

DATE: 21.10.2016

Between:

Jetti Ramesh Kumar

.. Petitioner/
D.Hr.

And

M/ s.Subhadra Chit Fund Pvt. Ltd.
and six others

.. Respondents/
J.Dr.



ORDER:-

This Civil Revision Petition is filed assailing the order dated 14.09.2009 in E.P.No. 103 of 2004 in O.S.No. 57 of 1994 passed by the Principal Senior Civil Judge, Tenali.

The petitioner – D.Hr., who is plaintiff, filed E.P.No. 103 of 2004 to cause arrest of respondent Nos.3 and 5 – J.Drs. for realization of the decretal amount. The trial Court, vide order dated 14.09.2009, dismissed the Execution Petition without costs. Challenging the order of dismissal, the present Civil Revision Petition is filed.

Heard the learned counsel for both the parties and perused the material placed on record.

The learned counsel for the petitioner has submitted that earlier the petitioner filed a petition against the 3rd respondent and the same was dismissed on 30.11.2004 based on the Memo filed by the petitioner not claiming the petition. It is further submitted that the 5th respondent – J.Dr. has passed away and he does not know whether he has got any legal representatives to bring them on record.

In view of the submission made by the learned counsel for the petitioner that the 5th respondent – J.Dr. is no more, the cause in this petition does not survive and the Civil Revision Petition is liable to be dismissed. However, if the petitioner so chooses, he is at liberty to proceed against the

other Judgment Debtors for realization of the decretal amount since arrest cannot be executed against legal representatives of the 5th respondent-J.Dr. The learned counsel for the 5th respondent – J.Dr. may furnish necessary details of legal representatives of the 5th respondent if any, to the petitioner so as to enable him to proceed against them for realization of the E.P. amount if any cause will survive against them.

With the above observations, the Civil Revision Petition is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

21.10.2016

bcj

G. SHYAM PRASAD, J

