

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4788 OF 2011

ORDER:

The Civil Revision Petition is filed under Section 115 of C.P.C by the petitioner/ Judgment Debtor (for short 'J.Dr'), impugning the execution proceedings by attachment of immovable property and the subsequent steps of proclamation and sale and conducting of sale and knocking the bid in favour of the decree holder, the permission on bid accorded under Order XXI Rule 72 C.P.C.

2) Heard both sides and perused the material on record.

3) The J.Dr filed the revision petition with several contentions. In fact, earlier revision petitions filed against conducting of the sale, were disposed of to agitate in the present revision petition. However, the fact remains, from the contest that the property belongs to mother of J.Dr, who purchased with her own means vide registered sale deed bearing document No.1934 of 1967.

4) Though the mother of J.Dr died intestate, it is the contest of the J.Dr that in her lifetime, she executed gift and donated the property in favour of grand son i.e., children of J.Dr and J.Dr could succeed nothing from death of their mother being clause-I legal heir and thereby, the property belongs to children of J.Dr and the same was brought to sale as that of the J.Dr. Undisputedly, there was a claim petition filed by the son of J.Dr and the claim was allowed.

5) Having regard to the same, the question involved in the execution proceedings became academic. Therefore, the revision petition is disposed of while setting aside the order of the lower Court, in view of the claim petition of the children of the J.Dr allowed and even appeal stated pending it got its own recourse on merits, thereby no further adjudication is required in the revision petition but for to say

the decree holder is entitled to proceed against the J.Dr either personally or on the other properties accordingly. The other remedies are left open to the parties.

6) As a sequel, miscellaneous petitions if any pending in this Civil Revision Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.08.07.2016

Knl