

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION Nos.3631 and 3632 of 2016

COMMON ORDER:

Since both these revisions are arising out of one suit, they are taken up together, heard and being disposed of by this common order.

Assailing the docket order dated 08.07.2016 passed in E.A.No.121 of 2016 in E.A.No.446 of 2014 in E.P. No.597 of 2005 in O.S.No.1520 of 2003 by the I Additional Junior Civil Judge, Tirupati, C.R.P.No.3631 of 2016 is filed.

Assailing the docket order dated 08.07.2016 passed in E.A.No.122 of 2016 in E.A.No.446 of 2014 in E.P. No.597 of 2005 in O.S.No.1520 of 2003 by the I Additional Junior Civil Judge, Tirupati, C.R.P.No.3632 of 2016 is filed.

A perusal of the material placed before this Court would show that the 5th respondent herein obtained a decree for Rs.74,841/- against the revision petitioner herein in O.S.No.1520/2003 on the file of I Additional Junior Civil Judge, Tirupati. The 5th respondent also filed E.P.No.597/2005 seeking sale of immovable properties for realization of decretal amount. It is to be noted that the first respondent herein purchased the property in a Court auction, the sale of which was confirmed on 16.07.2012 and sale certificate was issued on 20.11.2014 in favour of first respondent. Thereafter, the 1st respondent filed E.A.No.446 of 2014 seeking delivery of possession of petition schedule property in pursuance to sale certificate. During pendency of said petition, 1st respondent died. As such, his legal representatives R.2 to R.4

were brought on record. Vide order dated 13.04.2016, the trial Court allowed the E.A.No.446 of 2014 directing the judgment debtor i.e. revision petitioner herein to deliver the possession of petition schedule property to respondent Nos.2 to 4 herein on or before 06.05.2016. Seeking Police aid for implementation of the order dated 13.04.2016, E.A.No.121 of 2016 came to be filed. E.A.No.122 of 2016 was filed seeking a direction to the field assistant to break open the locks of the property for effective delivery of possession of property. Since both the said petitions were allowed by the learned trial Judge, present Civil Revision Petitions are filed.

It is brought to the notice of this Court that pending the proceedings, possession of the property was taken over by the respondents. In proof of the same, a counter came to be filed pursuant to the notice issued by this Court.

Since possession of the property is already taken and as it is represented that the respondents are in possession of the same, nothing further survives for adjudication in these revisions.

At this juncture, learned counsel for the petitioner Sri Venkat Mayur contends that the authorities have high-handedly taken possession of excess property. He submits that if any application is filed by the petitioner, the same may be directed to be considered by the trial Court. It is needles to give such a direction to the trial Court for the reason that the petitioner is always at liberty to file an application, if it is permissible under law, in which event the trial Court shall consider the same in accordance with law.

Accordingly, both the Civil Revision Petitions are dismissed.
There shall be no order as to costs. Miscellaneous petitions
pending in these revisions, if any, stand closed.

JUSTICE C. PRAVEEN KUMAR

24.08.2016
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