

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2298 OF 2016

ORDER:

This civil revision petition, under Article 227 of the Constitution of India, is filed challenging the Order, dated 17.02.2016, in I.A. No.2886 of 2009 in O.S. No.201 of 2002, passed by the II Additional Chief Judge, City Civil Court, Hyderabad, whereby accepted Commissioner's report and based on paragraph 23 of the report, passed a final decree in terms of the preliminary decree as per annexure-6 of the plans, allotting various items of schedule property among the plaintiff and defendants 1 to 4.

02. The primary objection taken by this Court is about maintainability of the revision petition under Article 227 of the Constitution for the reason that a final decree is within the meaning of Section 2(2) of the Code of Civil Procedure, 1908 (for short, 'CPC') and against such final decree only appeal lies under Rule 1 of Order XLI of CPC, since final decree is executable decree, but revision is not maintainable under Article 227 of the Constitution which conferred supervision power on this Court.

03. The counsel for the revision petitioner sought liberty to file an appeal against the final decree passed by the trial court allotting the property to the shares of plaintiff to defendants 1 to 4.

04. Accordingly, I hold that the revision petition under Article 227 of the constitution is not maintainable, since, it is a decree within the meaning of Section 2(2) of CPC and it is appealable.

05. Hence, the revision petition is dismissed granting liberty to prefer an appeal, if he is entitled legally.

06. Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 27.08.2016

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