

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3946 OF 2016

ORDER:

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The order dated 18.03.2016 passed by the learned First Additional District Judge, Nellore dismissing E.P.No.27 of 2014 in O.S.No.173 of 2009 is under challenge in the present Civil Revision Petition.

The order under revision reads as follows:

“For Sale Proceeds and Encumbrance Certificate represented as per the endorsement of the Sub Registrar, there is no property found in the registered documents in the office of Sub Registrar.

In view of the endorsement, this Execution Petition is dismissed.”

Copies of Statement of Encumbrance on Property, dated 22.01.2016 obtained from the office of Sub Registrar, Nellore and also Statement of Encumbrance on property dated 22.01.2016 obtained from the office of Sub Registrar, Nellore are placed before this Court. The proceedings dated 22.01.2016 obtained from the office of the Sub Registrar, Nellore, disclose that the respondents/Judgment Debtors are the beneficiaries of the property through acquisition on account of Gift Settlement Deed dated 10.05.2004. However, the learned Counsel for the petitioner/decreed holder fairly submits that the said documents were not placed before the Court below. As no opportunity was afforded, the revision petitioner/decreed holder prays for setting aside the dismissal order dated 18.03.2016 passed in E.P.No.27 of 2014 in O.S.No.173 of 2009 and restore the same to its

original file enabling the petitioner to place necessary documents before the Court below.

Considering the fact that the aforesaid EP filed in the year 2014 was dismissed summarily and considering that if the EP is not restored to its file, it will lead to multiplicity of proceedings, interest of justice would best be served if the said EP is restored to its original file in order to give opportunity to the petitioner to place the necessary documents before the Court below.

Accordingly, the order dated 18.03.2016 passed by the Court below in E.P.No.27 of 2014 in O.S.No.173 is set aside and the said EP is restored to its original file giving liberty to the petitioner to place necessary documents before the Court below for the purpose of effective adjudication of the Execution Proceedings.

The Civil Revision Petition is accordingly allowed. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 19TH AUGUST, 2016.

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