

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.185 of 2016

ORDER :

Heard both sides and perused the material on record. The claim petition of the claimant/3rd party was already numbered and it is the submission of the respondents/decreed holders that they sought for re-delivery/reinstatement under Rule 35 of Order XXI C.P.C (By re-entrustment of the warrant returned by the Amin on ambiguity in identify stated clarified by the executing Court). The vacation Court already granted stay of delivery which is now in force.

2) Having regard to the above, as the claim is to be decided and the falsity of the claim is left open to the decreed holders by adducing evidence, to subserve the ends of justice while disposed of the application, the lower Court is directed to dispose of the claim petition by passing an appealable decree as contemplated by Order XXI Rule 101 C.P.C. Needless to say within one month from date of receipt of the order the evidence of the claimants shall be completed and by next month thereafter the evidence of the decreed holders/respondents and J.Drs, if any, to be completed. If the evidence of the claimants not completed within the time stipulated above, the same seizes its force for the executing Court to order

for re-delivery without prejudice to the right of restitution if any by the claimants.

3) With the above observations, the revision petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

22.01.2016
ksh