

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.910 of 2013

ORDER :

The Civil Revision Petition is filed by the petitioner/decree holder/plaintiff, aggrieved by the order dated 19.01.2012 in E.P.No....of 2011 in O.S.No.23 of 1989 in N.O.S.No.50 of 1989 passed by the Senior Civil Judge, Kavali, Nellore District.

2. Heard both sides.

3. Undisputedly, the conditions of Lok Adalat award of payment or deposit as the case may be of the total amount of Rs.13,00,000/- not complied with, but for, in saying Rs.8,00,000/- paid, leave about the so called subsequent payment or deposit of Rs.5,00,000/-. Once Lok Adalat award is very clear that in the event of failure of the Judgment Debtor to execute the sale deed on payment of the amount within three months there from and silent about non-compliance by the Decree Holder, the question of filing an execution application of the same without deposit within time does not arise of the said award of the Lok Adalat apart from the Lok Adalat award passed by the concerned Bench

also became *functo officio* and the Executing Court cannot go beyond the decree.

4. Having regard to the above, there is nothing to maintain the execution petition, much less, against the dismissal of the present revision, but, remedy of the petitioner if any is left open prone to writ jurisdiction by explaining the period consumed in the Executing Court and in the revision.

5. With the above observations, the Civil Revision Petition is closed.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date:16-11-2017
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