

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.4590 OF 2017

ORDER:

This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1908 challenging the order, dated 09.08.2017, in E.P.(SR).No.4949 of 2017 in A.C.No.371 of 2013 on the file of the Principal District Judge, East Godavari District, Rajamahendravaram.

2. The main grievance of the petitioner/decreed holder is that the Court below rejected to number the aforesaid Execution Petition filed by it without appreciating the judgment rendered in **Natubhai Chotabhai Patel v. Patnam Shakuntala and another**¹.

3. Heard and perused the material available on record.

4. From a perusal of the order under challenge, it is evident that the Court below failed to appreciate the judgment rendered in **Natubhai Chotabhai Patel's case (1 supra)**. Even though the said judgment is referred in the order, the Court below failed to appreciate the relevant portion of the said judgment on which the petitioner relied upon and rejected to number the Execution Petition. Considering the said facts and circumstances, this Court is of the view that this Civil Revision Petition can be disposed of with the following direction:

The Court below is directed to number E.P.(SR).No.4949 of 2017 and dispose of the same in accordance with law.

¹ 2012 (4) ALD 553 (DB)

5. Accordingly, the Civil Revision Petition is disposed of. There shall be no order as to costs.

6. Registry is directed to return the originals to the petitioner to enable it to file the same before the concerned Court.

7. Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 19.09.2017
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



CIVIL REVISION PETITION No.4590 OF 2017

Date: 19.09.2017

AMD