

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1261 of 2010

ORDER:

This Civil Revision Petition is filed against the order dated 01.02.2010 passed by the III Additional District Judge, Kurnool at Nandyal in EP.No.3/2008 in OS.No.31/2003, wherein the EP.No.3/2008 filed by the petitioner/D.Hr. was dismissed on the ground that the property sought to be attached is not available and that by the date of sale of properties i.e. on 28.09.2002 and 12.11.2002, no attachment orders were in force.

The Court below dismissed the execution petition filed by the petitioner/D.Hr. in EP.No.3/2008 stating that as on the date of sale by the respondents i.e. on 28.09.2002 and 12.11.2002, no attachment orders were in force; and that though the respondents gave undertaking in IA.No.1400/2002 filed by the petitioner/D.Hr. to the effect that they would not alienate the petition mentioned property to third parties, the said IA was not pressed by the Sales Manager of the D.Hr company as there were mistakes with regard to sub division numbers and survey numbers in the schedule mentioned property of the said IA. The petitioner/D.Hr. company by filing fresh application in IA.No.338/2003 obtained attachment order which came into effect from 08.11.2003, meanwhile the respondents sold the

property to third parties. Hence, the Court below held that the D.Hr. is not entitled to seek the relief of sale of schedule properties for recovery of EP amount and dismissed the EP.

The fact that IA.No.1400/2002 is not pressed by the D.Hr. company and the fact that fresh IA.No.338/2003 is filed by the D.Hr.Company for attachment of petition mentioned properties is not in dispute. The fact that the order of attachment in IA.No.338/2003 came into effect from 08.11.2003, is also not in dispute. In view of the same, I do not see any infirmity in the order dated 01.02.2010 passed by the Court below in EP.No.3/2008.

Accordingly, the CRP is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

31.08.2017
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