

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No. 866 of 2017

ORDER:

Heard arguments of Sri D.Seshasayana Reddy, learned counsel for revision petitioners and Sri V.R.Reddy Kovvuri, learned counsel for respondent and with their consent the Civil Revision Petition is disposed of at the stage of admission.

2) This Civil Revision Petition is filed by the petitioners/judgment debtors aggrieved by order dated 24.01.2017 in E.A.No.134 of 2016 in E.A.No.54 of 2012 in E.P.No.3 of 2009 in O.S.No.147 of 2004 on the file of Principal District Judge, Rayachoty whereby the execution court dismissed the petition filed by petitioners under Section 151 CPC seeking to reopen E.A.No.54 of 2012 to permit the petitioners to file their objections on the commissioner's report. The other facts are not much relevant for disposal of the CRP.

3) During the course of hearing, learned counsel for petitioners Sri D.Seshasayana Reddy would submit that petitioners/judgment debtors had in fact filed their objections against the commissioner's report along with the petition E.A.No.134 of 2016 and those objections are already lying before the execution court.

4) Learned counsel for respondent/decree holder while expressing no objection for giving direction to execution court to receive the objections of the petitioners/judgment debtors, however, would urge

that a time frame may be fixed for disposal of EP No.3 of 2009 since the said EP is an old one.

5) As can be seen, the execution court rejected the EA No.134 of 2016 mainly on the ground that though learned advocate commissioner filed his report on 15.06.2016 neither party filed objections till 13.07.2016. In view of the submission of the petitioners' counsel that they already submitted their objections along petition E.A.No.134 of 2016, in the interest of justice, this Court is of the considered view that an opportunity shall be given to them to putforth their objections which were already submitted and lying before the execution court.

6) Accordingly, this CRP is allowed and impugned order dated 24.01.2017 is set aside with a direction that if the objections said to have been filed by the petitioners/judgment debtors against the commissioner's report are already available in the record, those objections shall be received and considered by the execution court and the execution court is further directed to dispose of E.P.No.3 of 2009 expeditiously but not later than two (2) months from the date of receipt of this order. No costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

Date:10-04-2017
Murthy