

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION Nos.1155, 1156 & 1807 of 2017

COMMON ORDER:

In fact the lis covered by the 3 revisions is covered by the earlier disposal of this Court in CRP.Nos.1232, 1234, 1236 & 1293 of 2015 order by me dated 15.11.2016. Even the contentions raised herein are the property is worth more value than the decree amount and the sale was knocked down by the decree holder permitted to participate in the bid under Rule 72 of Order XXI CPC to a pittance. In fact at Para 38 of the very common order of this Court dated 15.11.2016 in **E.Suryanarayana and Others Vs. Koripalli Adinarayana Murthy**¹, it is clearly observed as follows:

“38. Coming to the other submission in this regard of though sale of property is only to the extent what is required to satisfy the decree debt with interest and costs etc. and nothing beyond and it is the duty of the executing Court as per Rule 64 of Order XXI CPC and despite it, more property than required was sold is a nullity so to annul or nullify and for that there is no limitation.”

Having regard to the above, these contentions are left open if at all in an application filed under Order XXI Rule 64 CPC if at all to show only a part of the property is sufficient to the decree debt and beyond that there is nothing to interfere.

Accordingly and in the result, the Civil Revision Petitions are disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 14.12.2017
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¹ 2017 (2) ALT 86