

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Civil Revision Petition No.2491 of 2017

ORDER:

This CRP is filed by the petitioner/3rd party aggrieved by the order dated 30.03.2017 passed by IV Additional District Judge, Kadapa in E.A.No.78 of 2017 in E.P.No.61 of 2012 in O.S.No.86 of 2012 ordering issuance of delivery warrant for delivery of E.P. schedule property to the petitioner/decreed-holder therein.

2) Notice was served on R1/decreed-holder, but there is no representation on his behalf. Hence, heard learned counsel for petitioner Sri V.R.Reddy Kovvuri.

3) The grievance of the petitioner is that EP schedule property belongs to petitioner who is a third party in O.S.No.86 of 2012 and behind his back the property was put in auction and his petition in E.A.No.42 of 2016 filed under Order XXI Rule 97 CPC was pending before IV Additional District Judge, Kadapa. Suppressing the said fact the 1st respondent/decreed-holder obtained a delivery warrant. If property is delivered, the petitioner will be put to severe hardship. He thus prayed to give a direction to the trial Court to conduct enquiry in E.A.No.42 of 2016 at first before the present E.A.No.78 of 2017.

4) This Court considers the above said submission to be reasonable.

5) In the result, the impugned order dated 30.03.2017 in E.A.No.78 of 2017 is set aside and execution court is directed to conduct enquiry in

E.A.No.42 of 2016 at first by issuing notice to all parties concerned and subject to result of its enquiry in E.A.No.42 of 2016 proceed with the execution accordingly.

6) The CRP is disposed of accordingly.

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

U. DURGA PRASAD RAO, J

Date: 28.07.2017
Murthy

