

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.2850 of 2017

ORDER:

This civil revision petition is filed aggrieved by the action in registering IA No.125 of 2017 in IP No.22 of 2004 on the file of Senior Civil Judge at Siricilla.

2. The revision petitioner filed IP No.22 of 2004, under Sections 7 and 10 of the Provincial Insolvency Act, to adjudge him as an insolvent. The said IP was allowed and the petitioner was adjudged as an insolvent, however, the undivided 1/4th share of the petitioner's house was put in the hands of the Receiver and it was directed to be disposed of to clear the debts of respondents 1 and 2 in the IP. Orders were also passed in IA No.263 of 2005 filed R-1 in the IP to attach the half un-divided share of the revision petitioner in the house bearing no.5-1-19 situated within the municipal limits of Siricilla and the same was allowed in part. Stating that the warrant issued earlier was not served on the Receiver, R-1 filed the instant application IA No.125 of 207 for issuance of fresh warrant to the Receiver. Hence, this civil revision petition.

3. Learned counsel for the petitioner contended that the instant IA filed for issuance of fresh warrant ought not to have been registered after a period of more than ten years. Learned counsel for the petitioner also submits that the petitioner is willing and ready to pay the amounts due and payable to the respondents.

4. It is to be seen that the petitioner cannot have any grievance for registration of the application and the petitioner can as well, take the pleas as to whether such

an application is maintainable after a time gap of more than 10 years for issuance of a fresh warrant including his willingness to pay the amounts due and payable to the respondents 1 and 2 and seek for raising the attachment. As of now no order is passed on the instant application. In the circumstances, the civil revision petition is disposed of with liberty to the petitioner to raise all the pleas as are available to him under law and after hearing the parties, the Court to pass appropriate orders on the IA, in accordance with law. Miscellaneous petitions, if any pending in this case are also disposed of. There shall be no order as to costs.

Dated: 29-06-2017
NRG



A.RAJASHEKER REDDY, J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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Dated: 29-06-2017

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