

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.238 of 2010

ORDER:

The unsuccessful judgment debtors 9, 10 and 11/respondents filed this Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, assailing the common order dated 19.01.2010 of the learned XII Additional Chief Judge (Fast Track Court), City Civil Courts, Hyderabad, passed in E.A.No.21 of 2009 and E.A.No.26 of 2009 in E.P.No.26 of 2009 in O.S.No.594 of 2000.

2. I have heard the submissions of Sri R.N.Hemendranath Reddy, the learned counsel for the revision petitioners/judgment debtors 9 to 11 and of Sri Srinivas Chitturu, the learned counsel for the 1st respondent/deGREE holder. I have perused the material record.

3. Though this Civil Revision Petition is pending before this Court, a Division Bench of this Court, while disposing of C.C.C.A.M.P.Nos.72 and 110 of 2010 in C.C.C.A.No.28 of 2010 on the file of this Court by orders dated 09.03.2010, modified the common order which is impugned in this revision. The said modified order passed by the Division Bench of this Court reads as under:-

“The order dated 19.01.2010 in E.A.No.21 of 2009 and E.A.no.26 of 2009 in E.P.No.26 of 2009 in O.S.No.594 of 2000 on the file of the XII Additional Chief Judge (F.T.C.), City Civil Court, Hyderabad, stands modified to the extent of attaching the amount of Rupees One Crore into the account of O.S.No.106 of 2007 on the file of the Chief Judge, City Civil Court, Hyderabad, and the remaining amount may be released in favour of the petitioners.”

4. In view of the said admitted fact that the orders impugned in this CRP are already modified by the aforestated orders of the Division Bench

of this Court, no cause survives for adjudication in this CRP, in view of the Doctrine of Merger.

5. In that view of the matter, the learned counsel for the revision petitioner submits that the revision petition may be dismissed as infructuous. However, he makes a request to reserve liberty to the petitioners to contest E.P.No.26 of 2009 in case it is pending before the Court of execution/Court below. However, the learned counsel for the 1st respondent/decreed holder would submit that in view of the aforesaid modified orders passed by the Division Bench of this Court, an amount of Rupees One crore was withdrawn by the decree-holder and that the remaining amount is released in favour of the revision petitioners herein and that, therefore, the purpose for which the Execution Petition No.26 of 2009 was filed has been served and no further cause survives for adjudication in the Execution Petition, as well.

6. Recording all the afore-stated submissions, this Civil Revision Petition is dismissed as infructuous, leaving it open to the revision petitioners/judgment debtors 9, 10 and 11 to pursue the remedies, which the law permits.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Civil Revision Petition shall stand closed.

M.Seetharama Murti, J

07th February, 2017
Bvv