

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.5752 OF 2016

ORDER:

This civil revision petition is filed under Section 115 of C.P.C, challenging the order in E.A.S.R.No.699 of 2016 in E.A.No.218 of 2015 dated 19.09.2016 passed by the Chief Judge, City Civil Court, Hyderabad.

The petitioner filed E.A.S.R.No.699 of 2016 under Section 13(b) r/w Section 151 C.P.C questioning the executability of the decree passed by the High Court of Justice, Chancery Division Companies Court, on the ground that the decree was not on merits and it falls under Section 13(b) C.P.C.

The Executing Court instead of registering the petition, rejected it, without recording any reason, except holding that it will not fall under Section 13(b) C.P.C.

But, at the stage of registration, expressing opinion that the decree would not fall within Section 13(b) C.P.C is an error committed by the Executing Court. Therefore, the order in E.A.S.R.No.699 of 2016 in E.A.No.218 of 2015 dated 19.09.2016 passed by the Chief Judge, City Civil Court, Hyderabad is set-aside directing the Executing Court to register the application filed for execution and decide the same in accordance with law, within a period of four weeks from the date of receipt of copy of the order.

With the above direction, civil revision petition is allowed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:07.07.2017

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Note: Issue copy by 10.07.2017

b/o

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