

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

CIVIL REVISION PETITION No.2117 of 2012

ORDER:

The present revision is filed, under Article 227 of the Constitution of India, against the order dated 02.01.2012 in E.A.No.300 of 2009 in E.P.No.448 of 2005 in O.S.No.2874 of 2002 on the file of the learned Principal Junior Civil Judge, Visakhapatnam.

Heard the learned counsel for the petitioners and perused the material available before the Court.

The suit in O.S.No.2874 of 2002, filed by the first respondent herein, was decreed on 04.07.2005. The decree-holder filed E.P.No.448 of 2005 and, in the said petition, the petitioners herein, claiming to be the legal representatives of the third judgment-debtor, filed E.A.No.300 of 2009 under the provision of Order 21 Rule 58 CPC. The learned Principal Junior Civil Judge, Visakhapatnam, by way of an order dated 02.01.2012, dismissed the said application filed by the petitioners herein. This revision challenges the legal sustainability of the said order.

Under the provision of Order 21 Rule 58(4) CPC, where any claim or petition has been adjudicated upon, the said order made on a claim petition shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree. The order under challenge in the present

revision is appealable and no revision lies under Article 227 of the Constitution of India.

In view of the above, the Civil Revision Petition is dismissed, however, with a liberty to the petitioners herein to avail the remedy open as per law.

Miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

A.V.SESHA SAI, J

03rd August, 2017
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