

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.2500 OF 2017

ORDER:

This civil revision petition is filed under Section 115 of the Civil Procedure Code questioning the proclamation orders passed by the I Additional Chief Judge, City Civil Court, Secunderabad in E.P.No.49 of 2016 in O.S.No.34 of 2001, in execution of decree by sale of the property issuing proclamation under Order XXI Rule 64 CPC. The proclamation was prepared on 18.04.2017 and affixed in Form No.29 on 12.06.2017 when the auction was proposed to be held. But, as seen from the proclamation affixed to the conspicuous place of Court hall, it is full of blanks. Learned counsel for the petitioner placed reliance on the judgment of the Karnatka High Court in **L. Nanjunda Murthy and another v. S. Suresh Reddy**¹, where the Court held that when there is defect in proclamation and failure to give opportunity to parties to furnish price of property to be auctioned and consequently, non-mention of price of property as given by decree-holder and judgment debtor in sale proclamation is material irregularity and the entire sale is vitiated. In the instant case, the sale is not completed.

During hearing, learned counsel appearing for the respondent/DHR fairly conceded to allow the revision, subject to directing the Executing Court to order fresh proclamation.

¹ AIR 2017 KARNATAKA 50

In view of the confession of the learned counsel for the respondent/DHR, the revision petition is allowed, directing the Executing Court i.e. I Additional Chief Judge, City Civil Court, Secunderabad, to order fresh proclamation in compliance of necessary formalities under Order XXI Rule 64 CPC in Form No.29.

With the above direction, the civil revision petition is allowed.

Consequently, miscellaneous applications pending if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:09.06.2017

SP

