

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3932 OF 2017

DATED:18-08-2017

Between:

Grikipati Srinivas

... Petitioner

And

Vegi Ramakrishna

... Respondent

COUNSEL FOR THE PETITIONER: Mr. Srinivas Emani

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.29.06.2017 in E.P. No.24 of 2016 in O.S. No.174 of 2012 on the file of the Senior Civil Judge, Chodavaram.

The petitioner suffered a decree for recovery of a sum of Rs.6,75,000/- together with subsequent interest and costs. In execution of the decree, the respondent – plaintiff filed E.P. No.24 of 2016 for attachment of the E.P. schedule property and to auction the same thereafter for realization of the E.P. amount. The main plea raised by the petitioner is that the E.P. schedule property is a joint property and that as the property has not been sub-divided, the same cannot be attached. This plea was, however, repelled by the lower Court and in my view rightly with the observation that the interests of the co-sharers will be taken care of at the time of further proceedings. It was further observed by the lower Court that the suit was filed on 23.07.2012, the decree was passed on 08.07.2015, and the petitioner, who borrowed the money, failed to repay, suffered the decree and allowed the same to become final, cannot be permitted to indulge in vexatious litigation. The petitioner is admittedly having 1/3rd share out of Acs.4.37 cents and even if a larger extent is attached, as his share was not sub-divided, it would be for the other co-sharers to raise any objection and it is wholly unnecessary for him to hold brief for the said co-sharers.

For the aforementioned reasons, the civil revision petition is dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P.
No.5169 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-08-2017

bnr

