

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Civil Revision Petition No.2421 of 2017

Date: 02.06.2017

Between:

Nagala Chitti Babu (died as per LRs)
Nagala Kasulamma and 2 others

... Petitioners

and

Vadisala Lakshmi

...Respondent

Counsel for the Petitioners: Mr.A.K.Kishore Reddy

The Court made the following:



Order:

This Civil Revision Petition arises out of Order, dated 27.02.2017, in EA.No.88 of 2016 in EP.No.66 of 2010 in OS.No.138 of 2008 on the file of the Senior Civil Judge, Yellamanchilli.

Petitioner Nos.2 to 4 are the legal representatives of the deceased sole defendant, who suffered a money decree. After the respondent filed EP.No.66 of 2010, the sole judgment debtor died. As the respondent failed to take steps for bringing on record the legal representatives of the deceased judgment debtor from 27.11.2015 onwards, the EP was dismissed for default on 01.02.2016. Seeking restoration of the said EP, the respondent filed EA.No.88 of 2016. While rejecting the objections of the petitioners that the respondent has failed to produce the evidence of her sickness, the Court below, however, allowed the EA subject to the condition of payment of costs of Rs.100/-.

Admittedly, the decree has attained finality. The Court below has exercised its discretion while restoring the EP and in the facts and circumstances of the case, it cannot be said that the discretion exercised by the Court below is either improper or irrational.

Hence, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petition, CRPMP.No.3157 of 2017, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 2nd June, 2017
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