

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.5851 of 2016

ORDER:

This Civil Revision Petition under Section 115 of the Code of Civil Procedure is filed against the order dated 17.08.2016 passed in I.P.No.4/2016 on the file of The Official Receiver, District Court, Chittoor.

Heard the learned counsel for the petitioners as well as the respondents.

Learned counsel for the petitioners would submit that pursuant to the order dated 01.07.2016 passed by the Senior Civil Judge, Puttur, permitting to break open the locks, the Official Receiver, District Court, Chittoor, took possession of the properties vide his report dated 17.08.2016. Learned counsel for the petitioners mainly submits that against the order passed in I.P.No.4/2016, the petitioners have preferred an appeal before the District Court and the same is pending consideration. He further submits that if the properties are auctioned, nothing survives for adjudication in the statutory appeal filed by the petitioners before the District Court.

Learned counsel for the respondents opposes the same and contends that CRP is not maintainable as no order was passed on 17.08.2016. He further submits that the petitioners ought to have made similar request in the appeal instead of filing this revision. Hence, prays for dismissal of the revision.

Having regard to the facts and circumstances of the case and since the appeal filed by the petitioners is pending consideration

before the Appellate Court, without going into merits of the case, the present Civil Revision Petition is disposed of staying auction of the subject properties for a period of eight weeks. Meanwhile, the petitioners shall file an application seeking interim relief, in which event the same shall be dealt with in accordance with law. It is made clear that any observations made in this revision shall not influence the Appellate Court in deciding the application or the appeal.

Miscellaneous petitions pending in this revision, if any, shall stand closed. No costs.

JUSTICE C. PRAVEEN KUMAR

17.03.2017

Note : Issue C.C. in a week.
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