

THE HON'BLE SRI JUSTICE S. V. BHATT

CIVIL REVISION PETITION No.1143 of 2017

ORDER:

Sri Butta Vijaya Bhaskar for revision petitioners and Sri Raja Reddy Koneti for respondent.

The revision petitioners are the legal representatives of one Shaiken Bee / 1st judgment debtor in E.P.No.102 of 2003 and as such are arrayed as judgment debtors in E.P.No.102 of 2003.

The respondent filed the E.P. to execute the decree in O.S.No.146 of 1998 passed for eviction. As rightly pointed out by Mr.Raja Reddy Koneti but for the perseverance of petitioners herein an execution petition of 2003 cannot and could not be kept pending when the suit was decreed and attained finality within a period of five years. The petitioners filed E.A.No.191 of 2016 to recall PW.1 for further cross-examination on their behalf. The Executing Court in the order under Revision referred to circumstances for rejecting the prayer and the revision petitioners have not pointed out any exception or infirmity in these findings. This Court further fails to understand what is the purpose and object of recalling PW.1 for further cross-examination when full opportunity was given to both parties for adducing evidence in the E.P.

This Court in its jurisdiction under Section 115 of CPC does not see any error or illegality warranting interference.

The revision fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 07-03-2017
Prv

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Prv