

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.4840 of 2011

ORDER :

Heard learned counsel for the judgment-debtor, learned counsel for auction purchaser-2nd respondent.

2. The revision petition is dismissed against the 1st respondent-decree holder for no steps taken beyond 90 days after his death, even for more than 90 days lapsed from date of return of registered cover by personal notice taken by the petitioner of he died earlier to the date of service since abated and the fact is recorded by this Court vide docket order, dated 01.11.2017.

3. Perused the grounds urged in the revision and impugned order of the lower Court.

4. A perusal of the order of the lower Court shows several contentions raised of irregularities in the sale procedure adopted or there is any fraud by the decree-holder or auction purchaser, much less on the Court, on the judgment-debtor are untenable. In fact, the Court observed that to say in the petition impugning the proceedings by E.A.No.676 of 2016 by the judgment-debtor despite opportunities he did not put forth his own value, much less to say the property is worth more than Rs.97,000 and it is after amin test report and the very decree-holder valued, the value is fixed and auction is conducted that conducting auction of items necessitated from the fact that one of the items is under executable mortgage with bank.

5. Having regard to the above, there is nothing to interfere with the order of lower Court.

6. Accordingly the civil revision petition is dismissed. Needless to say after satisfying the decree and subject to the bank mortgage over the property sold, if any, to be satisfied for the primary security and any other claim of ratable distribution, the Court can consider if at all anything surplus to entitle by the judgment-debtor.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

2nd November 2017.

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Dr. B. SIVA SANKARA RAO, J

