

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.8233 of 2017

ORDER :

The petitioners 1 and 2 are first party and the respondents 4 to 6 are 2<sup>nd</sup> party of the proceedings initiated before the 2<sup>nd</sup> respondent- Revenue Divisional Officer, Vikarabad Division, on the report of the 1<sup>st</sup> respondent under Section 145 of the CrPC. Undisputedly, the dispute is outcome of civil suit O.S.No.50 of 65 on the file of XIII ACJ(FTC), City Civil Court, Hyderabad, in which execution proceedings were taken up and delivery was also recorded.

The first party it appears filed claim petition which is in I.A.No.2 of 2012.

Having regard to the above, once the civil court seized of the matter by the pending Execution Application, for the claim to be adjudicated in the proceedings under Section 145 CrPC are not sustainable.

With these observations, the Criminal Petition is allowed only to that extent for the executing Court to decide the Execution Application on own merits and the petitioner is at liberty to request the executing Court to decide as early as possible. This order no way prejudice any of the contentions of both the parties including as to the claim of possession. Pending miscellaneous petitions, if any, shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:30.10.2018  
Note: Issue copy forthwith.  
b/ o.  
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