

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.717 OF 2018

ORDER ::

This civil revision petition is filed against the docket order dated 04-01-2018 passed in EA No.232 of 2016 in EP No.74 of 2009 in OS No.914 of 2004 by the Addl. Junior Civil Judge, Kovvuru, West Godavari District, dismissing the said application filed under Sections 151, 64 (2) and 94 CPC.

2. Heard the learned counsel for the petitioner. Perused the impugned docket order.

3. The petitioner is 3rd party to the suit and EP proceedings. The 1st respondent-decree holder, being the plaintiff in the suit, with the leave of the Court, participated in the Court auction and became the highest bidder in a bid conducted for the sale of the suit property and deposited the amounts into the Court on 22-11-2010. It is borne out from the record that the attachment of the suit property is much prior to the alleged sale of the suit property by the 2nd respondent-judgment debtor in favour of the petitioner herein. It is further borne out from the record that the 1st respondent-decree holder has also filed IP No.30 of 2015 against the 2nd respondent-judgment debtor and the petitioner herein and another to adjudicate the 2nd respondent-judgment as an insolvent and to annul the registered sale deed dated 29-06-2015 executed by the petitioner herein in favour of the 2nd respondent in respect of the suit property and for other reliefs.

4. In the light of this situation, no useful purpose would be served by permitting the petitioner, who is third party to the suit and EP proceedings to deposit the EP amounts only on the ground that he has a registered sale deed executed in his favour by the judgment debtor in respect of the suit property. As noted above, the decree holder-1st respondent herein has already initiated proceedings for annulment of the said sale deed said to have been executed by the judgment debtor. The order passed by the Court below does not suffer from any illegality or irregularity. In the circumstances, the civil revision petition fails and it is accordingly dismissed. Miscellaneous petitions, if any pending in this case shall also stand dismissed. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

Dated: 07-02-2018
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



CRP No.717 of 2018

//WEB//

Dated: 07-02-2018

NRG