

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.R.P.No.4632 of 2017

ORDER:

This revision petition is filed under Section 115 of CPC challenging the orders dated 23.03.2017 in E.P.No.45 of 2017 in O.S.No.10 of 2012 on the file of the Court of Principal Senior Civil Judge, Kothagudem, Khammam District.

2. Heard the learned counsel for the petitioner. In spite of service of notice, the sole respondent did not choose to appear and oppose the petition. Hence, this Court is inclined to pass orders on merits in the absence of the respondent.

3. At the time of arguments, learned counsel for the petitioner strenuously submitted that the Court of Senior Civil Judge, Kothagudem lacks inherent jurisdiction to entertain the EP filed by the respondent as the petitioner has been residing in Sarapaka, Burgampahad Mandal of Khammam District. He further submitted that the order passed by the trial Court is not sustainable under law.

4. A perusal of the record reveals that the first respondent herein filed O.S.No.10 of 2012 on the file of the Senior Civil Judge Court, Kothagudem, against the petitioner for recovery of an amount of Rs.1,50,000/-. After full fledged trial, the trial Court decreed the suit in favour of the respondent on 27.08.2015. Having no other alternative, the respondent filed the above E.P. for recovery of the amount. Hence, the present revision.

5. A perusal of the record reveals that in the suit, the address of the petitioner was mentioned as "Ganguloth Venkanna, Resident

of H.No.5-218, Gandhinagar, Sarapaka, Burgampahad Mandal, Khammam District.” It is not in dispute that the petitioner is residing within the agency area.

6. To substantiate the arguments, learned counsel for the petitioner has drawn attention of this Court to the decision reported in **Puligujju Vasantha Rao v M/s.Shriram City Union Finance Ltd., Bhadrachalam, rep. by its Authorised Signatory¹**, wherein it was held that the decree or award passed by a Court outside the Agency tracts be forwarded to the Agent to the State Government for execution.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, the Civil Revision Petition is allowed setting aside the orders dated 23.03.2017 in E.P.No.45 of 2017 in O.S.No.10 of 2012 on the file of the Court of Principal Senior Civil Judge, Kothagudem, Khammam District, as the E.P. itself is not maintainable. However, allowing of this revision petition does not preclude the first respondent to file fresh EP in appropriate forum. Consequently, miscellaneous petitions pending, if any, shall stand closed.

T.SUNIL CHOWDARY, J

7th June 2018

Rns

¹ 2013(2) ALT 263 (D.B.)