

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.151 of 2012

ORDER:

Heard Mr.Venkateshwarlu Chakkilam for revision petitioner.

No representation for respondents.

The revision petitioner is Judgment Debtor (J.Dr.) in E.P.No.44 of 2010 in O.S.No.73 of 1997, which was filed for specific performance of agreement of sale in terms of decree/judgment dated 25.02.2002. The revision petitioner resisted the execution by contending that the EP has become inexecutable, in view of the Decree Holder (D.Hr) receiving a sum of Rs.40,000/- in lieu of obligation undertaken under agreement or decree and prays for dismissing the Civil Revision Petition.

The period of limitation, the mode and manner in which satisfaction of E.P. is decided by the Court, is no more *res integra*. The executing court by referring to applicable provisions of law and also the binding precedents, overruled the objection raised by the revision petitioner.

I have perused the order under Revision. I am of the view that except repeating the same reason for confirming

the very same reason, no other purpose is served. Further, no ground is made out by the revision petitioner for interference under Section 115 of Cr.P.C.

After the order is dictated Mr.Venkateswarlu Chakkilam brings to the notice of the Court that the decree sought to be executed was ex-parte decree, the steps taken for getting the ex-parte decree set aside may be left open for independent consideration by the trial Court. It is needless to observe that the relief pursued in E.P. is different from the relief in other application filed for setting aside the ex-parte decree/judgment. Those applications if are pending, it is needless to observe that they are considered on their own merits and decided.

Civil Revision Petition is dismissed with the above observations. No order as to costs.

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

Dt: 05.09.2018
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S. V. BHATT, J

