

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.4797 OF 2009

ORDER:

The present Civil Revision Petition is directed against the order, dated 07.10.2009, in E.A.No.274 of 2009 in E.P.No.49 of 2008 in O.S.No.319 of 2000 on the file of the Principal Junior Civil Judge, Markapur, whereby and whereunder, the E.A filed under Section 47 of CPC by the revision petitioners – J.Drs.1 to 3 seeking to declare that the personal decree, dated 30.10.2003, passed against them is a nullity and not executable against them, was dismissed.

Heard Ms. Nimmagadda Revathi, learned counsel arguing on behalf of Sri C. Ramachandra Raju, learned counsel for the revision petitioners, and Sri Ravi Teja Padiri, learned counsel for respondent No.1.

Learned counsel for the revision petitioners would submit that the revision petitioners, who are J.Drs, in fact, challenged E.P.No.49 of 2008 stating that the decree, dated 30.10.2003, passed against them is a nullity and inexecutable against them. Learned counsel would further submit that the E.A filed by the revision petitioners was dismissed on the ground that the Executing Court cannot go beyond the decree, though, it is a wrong decree, and it was also observed that the Court cannot declare the decree under E.P as a nullity, as the petitioners spelt over their rights and allowed the wrong decree to be

final by not filing appeal, revision or review, and the Court has no jurisdiction to review a wrong judgment and declare the same as a nullity. Of course, the Court below placed reliance on certain rulings referred to in paragraphs '7', '8' and '10'.

Learned counsel for the revision petitioners would also submit that subsequently, the revision petitioners preferred appeal in A.S.No.7 of 2015 on the file of VII Additional District Judge, Markapur, and the same was allowed by judgment and decree, dated 23.12.2015 and, therefore, the present revision has become infructuous.

In such an event, the request made by the learned counsel for the respondents to adjourn the matter is of any consequence.

Hence, the present Civil Revision Petition is dismissed as infructuous.

Miscellaneous petitions if any pending in the present revision stand closed. No order as to costs.

JUSTICE A.SHANKAR NARAYANA

Dt: 11.06.2018

v v