

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.2047 OF 2018

ORDER:

Heard counsel for the petitioner – decree holder in the pending E.P.No.149 of 2016 filed pursuant to the judgment and decree, dated 22.03.2016, in O.S.No.402 of 2014 on the file of I Additional Senior Civil Judge, Nellore, granting against the respondent – judgment debtor relief for specific performance of the contract for sale on receipt of the balance sale consideration within two months from the date of decree and judgment supra. The petitioner claims that he sent notice, dated 14.06.2016, to the respondent - judgment debtor to receive the balance sale consideration of Rs.1,00,000/- and to execute the registered sale deed, but the respondent - judgment debtor failed to comply. It is therefrom he filed E.P.No.149 of 2016. Along with the E.P., he did not deposit the balance sale consideration, much less within two months from the date of decree and judgment, dated 22.03.2016. Leave about, admittedly, no application is filed on original side before expiry or after expiry of the two months' time till date. It is during pendency of the E.P., the petitioner filed E.A.No.35 of 2018 on 05.12.2017 before the executing Court seeking a direction to permit deposit of the balance sale consideration, which is about one and half years after expiry of the two months period to deposit on original side that too when the executing Court cannot go beyond the decree and could not even accord such permission, which if at all to accord by Court of original side. Once the executing Court dismissed

E.A.No.35 of 2018 by impugned order, dated 27.02.2018, for this Court, while sitting in revision, there is nothing to interfere but for to say none of the observations will influence the mind of the Court if at all there is another alternative remedy available to the petitioner to work out.

With these observations, the Civil Revision Petition is disposed of rather dismissal.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

October 05, 2018.
MD

DR. B. SIVA SANKARA RAO, J

