

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.No.2961 of 2018

Date: 08.06.2018

Between:

Poosapati Raja Sekhara Varma,
S/o.Late Aswini Kumar,
Aged 61 years,
R/o.9-11-8/29,
Sivajipalem,
Visakhapatnam district

...

Petitioner

And

Smt.Kunju Lakshmi
W/o.Krishna Jain,
Aged 58 years,
R/o.D.No.40-57-13/1,
Sankeevayya Colony,
Visakhapatnam.

...

Respondent



Counsel for the Petitioner : Mr.N.Subba Rao

Counsel for the Respondent: ----

The Court made the following:

Order:

The petitioner is the decree holder in O.S.No.309 of 1998 on the file of the II Additional Senior Civil Judge, Visakhapatnam, for specific performance of agreement of sale. The E.P. filed by him was dismissed by the lower court, on the ground that the suit schedule property is covered by a notification issued under Section 22A of the Registration Act, 1908.

2. The fact that as on today, the land cannot be registered as the same is included in prohibitory properties register maintained under Section 22A of the Act, is not in dispute. Therefore, the E.P. is not executable. Mr.N.Subba Rao, learned counsel for the petitioner submitted that his client has challenged inclusion of the suit land in prohibitory properties register and that, even if he succeeds in his challenge in future, fresh E.P. would be time barred.

3. In my opinion, if the petitioner succeeds in his challenge of inclusion of the suit land in prohibitory properties register, he will be entitled to seek restoration of the E.P., which is dismissed only on the ground that the suit land was included in the prohibitory properties register.

4. Giving such liberty to the petitioner, the civil revision petition is dismissed.

(C.V.Nagarjuna Reddy, J)

Date: 8th June, 2018

msb

