

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.2918 of 2018

ORDER:

Heard Sri Akkam Eshwar, learned counsel for the revision petitioner.

In the present Civil Revision Petition, the petitioner challenges the warrant of attachment issued by the Principal Senior Civil Judge, Kothagudem, on 22.09.2016 in E.P.No.136 of 2016 in Arb.No.174 of 2015, on the sole ground that no notice was issued in the Execution Petition and, therefore, the warrant is unsustainable.

Learned counsel for the petitioner fairly admits that the Execution Petition was filed within two years from the date of issue of recovery certificate and Rule 22 of Order 21 of CPC mandates issue of notice if two years period expires from the date of issue of certificate. In such an event, the present revision petition is not maintainable.

Learned counsel for the petitioner would also submit that respondents 2 to 5, who are J.Drs.2 to 5, be exonerated, as the revision petitioner, being the principal borrower – J.Dr.No.1, is intending to satisfy the decretal amount and he is attempting to get loan also for the said purpose. It is open to the revision petitioner to urge the same before the Execution Court.

With the aforesaid observations, the present Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous petitions if any pending in the present revision stand closed.

JUSTICE A.SHANKAR NARAYANA

06.06.2018
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