

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.NO.2930 OF 2018

O R D E R

Petitioner is the judgment debtor No.4. She filed E.A.No.50 of 2018 in E.A.No.23 of 2018 in E.P.No.110 of 2014 in O.S.No.86 of 1985, under Sections 47 read with 151 CPC questioning the executability of the decree. The court of Senior Civil Judge, Kovvur, West Godavari, by the impugned docket order dated 12.04.2018, posted the said application along with the main E.A.No.23 of 2018. Aggrieved by the same, present revision is filed.

Learned counsel for the petitioner submits that the petitioner remain *ex parte* and could not contest the E.P., as such, filed the present application. Learned counsel submits that the trial court ought to have decided the application by enquiring into the questions relating to execution under Section 47 of C.P.C., as the petitioner is alleging fraud, and ought not to have posted it along with the main application, which was filed by the decree holder for delivery of possession. Therefore, she seeks to set aside the impugned order.

By virtue of the impugned docket order, the court below only posted the matter along with the main execution application in E.A.No.23 of 2018, and no rights of the parties are affected. It is to be seen that when the petitioner was set *ex parte* in the execution proceedings, she should have taken steps for setting aside the said order, but not by way of filing fresh execution application. However, in the present revision, petitioner has not pointed out any illegality or irregularity in the impugned order. In view of the same, I do not find any reason to interfere with the impugned order and the revision petition is accordingly dismissed.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

Date:14-08-2018
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