

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CIVIL REVISION PETITION No.4275 of 2017

Date: 19.03.2018

Between:

P. Gangadhara Rao,
East Godavari District, and another.

..... Petitioners

And:

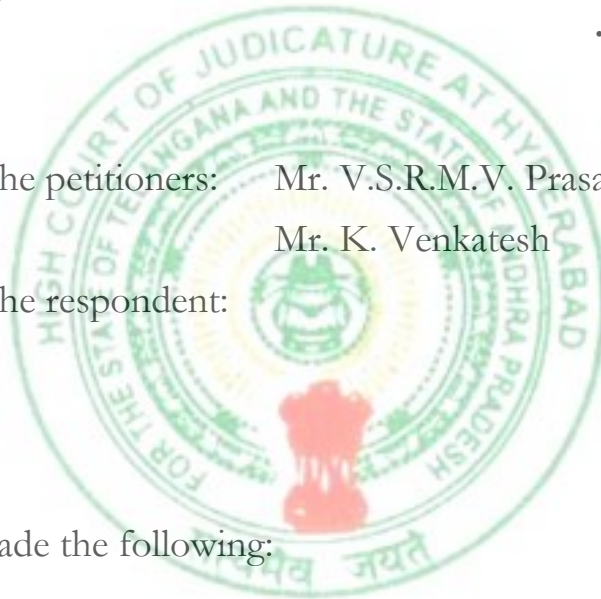
M/s. Sriram City Union Finance Limited,
Rajahmundry.

.....Respondent

Counsel for the petitioners: Mr. V.S.R.M.V. Prasad for
Mr. K. Venkatesh

Counsel for the respondent:

The Court made the following:



ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The judgment debtors in A.C.No.560 of 2013 on the file of the Principal District Judge, Rajahmundry, filed the Civil Revision Petition purportedly under Article 227 of the Constitution of India feeling aggrieved by filing of E.P.No.609 of 2016 by the decree holder.

The respondent obtained an award and a certificate for payment of money against the petitioners. For execution of the said certificate, the respondent filed E.P.No.609 of 2016. The only ground on which the petitioners have invoked the supervisory jurisdiction of this Court is that a school is being run in the E.P. schedule property and that therefore, if attachment is ordered, it may result in the closure of the school.

In our opinion, this revision petition is wholly misconceived, as it is not the pleaded case of the petitioners that the Execution Petition is not maintainable before the Court below. The petitioners are, therefore, entitled to participate in the E.P. proceedings and raise all legally permissible objections.

For the aforementioned reasons, we are of the opinion that the Civil Revision Petition is not maintainable and the same is accordingly dismissed.

As a sequel, I.A.No.1 of 2017 (C.R.P.M.P.No.5618 of 2017) filed by the petitioners for interim relief stands disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

Date: 19.03.2018

JUSTICE D.V.S.S.SOMAYAJULU

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