

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.5906 of 2018

Order:

Aggrieved by the dismissal of an application seeking the Executing Court to decide the maintainability of an application filed under Order XXI, Rule 97 CPC in the first instance, an auction purchaser and who was a third party to the present execution proceedings has come up with the above revision.

2. Heard Mr. V.V. Prabhakara Rao, learned counsel for the petitioner.

3. In essence the petitioner wanted the maintainability of E.A.No.189 of 2014 filed under Order XXI, Rule 97 CPC, to be decided first on account of the previous proceedings. But after the amendment to the Code of Civil Procedure in the year 2002, piecemeal decisions are frowned upon. To the extent possible, the Court will have to look into all issues so that at every stage there is no blockade due to some ingenuity.

4. Therefore, this revision is dismissed. However, there will be a direction to the Executing Court to dispose of E.A.No.189 of 2014 in accordance with law and on merits, after giving opportunities to all parties within a period of 4 (four) months. Pending applications, if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J

26th October, 2018.

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