

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

C.R.P.Nos.6516 and 6617 of 2018

Date:09.11.2018

Between.

Devupalli Sukumar,
S/o Late Ananda Rao

.....Petitioner

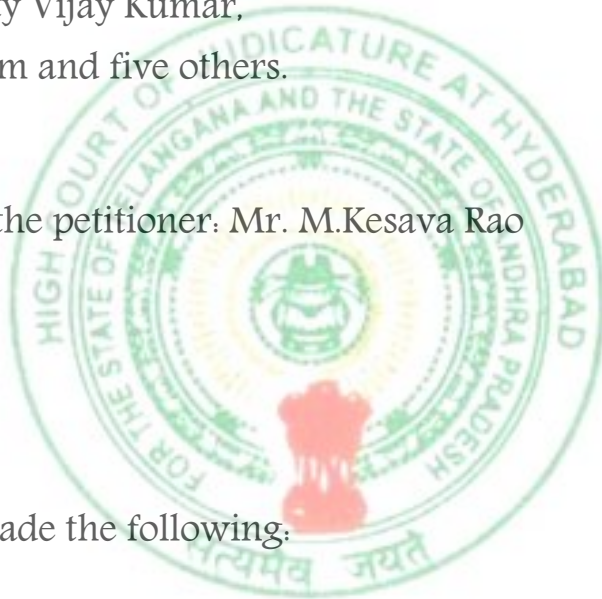
And.

Polamarasetty Vijay Kumar,
S/o Manikyam and five others.

.....Respondents

Counsel for the petitioner: Mr. M.Kesava Rao

The Court made the following:



COMMON ORDER.

These two Civil Revision Petitions are between the same parties in the same E.P. Hence, they are heard and being disposed of together.

The petitioner suffered decree for eviction in O.S.No.1146 of 2011 on the file of the I Additional Junior Civil Judge, Visakhapantam, filed by respondent Nos.1 to 3. The said decree has attained finality. Respondent Nos.1 to 3 filed E.P.No.80 of 2017 seeking execution of the decree by delivery of possession of the E.P. schedule property. The petitioner has filed E.A.No.81 of 2018 in the said E.P. for appointment of an Advocate-Commissioner to locate the E.P. schedule property with the help of FMB and also with the assistance of the Surveyor of the Greater Visakhapatnam Municipal Corporation (GVMC). He has also filed E.A.No.80 of 2018 seeking stay of all further proceedings in the said E.P. pending disposal of E.A.No.81 of 2018. Both these applications having been dismissed by the lower Court, the judgment-debtor has filed these two Civil Revision Petitions.

Heard Mr. M.Kesava Rao, the learned counsel for the petitioner, and perused the record.

As rightly observed by the lower Court, having failed to prove that the E.P. schedule property was constructed by GVMC under the Wambay Scheme, it is not permissible for the petitioner to raise the same plea at the stage of execution and seek appointment of an Advocate-Commissioner to prove the said plea. In my opinion, the above-mentioned applications were filed by the petitioner only with a view to drag on the execution proceedings denying the decree-holder of the fruits of the decree.

For the afore-mentioned reasons, I do not find any merit in these Civil Revision Petitions and the same are, accordingly, dismissed.

As a sequel to dismissal of the Civil Revision Petitions, I.A.No.1 of 2018 filed in both the Civil Revision Petitions for interim relief shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

09th November, 2018

DR