

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.6181 of 2018

ORDER:

The revision petitioner is Judgment-debtor in E.P.No.58 of 2015 in execution of the decree for recovery of money in O.S.No.21 of 2014, dated 30.06.2015, it is in seeking the execution of recovery of the amount against the property of the Judgment-debtor that was covered by attachment before judgment during pendency of the suit ordered under Order XXXVIII Rule 5 C.P.C. As per the Order XXXVIII Rule 11A C.P.C., the attachment before judgment continues for execution to proceed for the next step as contemplated by Order XXI Rules 66 and 64 C.P.C. It is while proceeding, it came to light of what the property attached mentioned as Ac.15.05 cents, as per revenue records Ac.12.70 cents including from 1-B register, and sought for correction of the typographical mistake in mention of the said extent under Order VI Rule 17 C.P.C. in the execution application that was allowed by the impugned order in E.A.No.105 of 2017, dated 07.09.2018, by the learned VIII Additional District Judge, Anantapuramu (FAC III Additional District Judge). In fact, the same can be corrected at any time including under Sections 151 and 152 C.P.C. read with Section 47 C.P.C., it no way changes, much less invalidates the attachment for not even the contention of any description other than the extent is wrong.

2. Having regard to the above, there is nothing to interfere with the impugned order of the lower Court, much less by admitting the

revision or by ordering notice to the respondents-Decree-holder and keep the matter pending.

3. Accordingly, the civil revision petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

26th October 2018.
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Dr. B. SIVA SANKARA RAO, J

