

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.6566 of 2017

ORDER :

Heard the counsel for petitioner. None appears for respondents even though notice has been served on both the respondents on 27.01.2018.

2. Admittedly, the property which is subject matter of E.P.No.97 of 2016 was advertised for sale on 13.08.2017, and by that date, claim petition filed by petitioner in E.A.No.94 of 2017 was pending. Thereafter, sale was conducted on 31.08.2017 in which the 1st respondent-D.Hr. became the highest bidder.

3. On 31.08.2017, the Court below in O.E.P.no.97 of 2016 passed the impugned order stating that the sale is conducted subject to the result in the claim petition.

4. As per Order XXI Rule 59 C.P.C, the sale cannot be confirmed unless the claim petition is decided.

5. Therefore, the Court below is directed to decide E.A.No.94 of 2017 as expeditiously as possible, and shall not confirm the sale till the said E.A. is decided.

6. Accordingly, the Civil Revision Petition is disposed of. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23.03.2018

Ndr/*

