

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1559 of 2019

ORDER:

This civil revision petition is filed under Section 115 of C.P.C, by the petitioners/Judgment Debtors 1 to 5, aggrieved by the order dated 16.08.2018 passed in E.P No.125 of 2015 by the learned VIII Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, wherein the Court below issued warrant to attach the movable properties of petitioners 2 to 5/J.Drs 2 to 5.

2) Heard arguments of Sri G.Allabakash, learned counsel for the petitioners/J.Drs, Sri P.Durga Prasad, learned counsel for the respondent/D.Hr and perused the record.

3) Learned counsel for the revision petitioners/J.Drs would contend that the respondent/D.Hr is creating nuisance. The revision petitioners were not given opportunity to put-forth their case. Moreover, the petitioners 2 to 5/J.Drs 2 to 5 were only guarantors and the impugned order passed by the executing Court is erroneous and ultimately prayed to set aside the same.

4) On the other hand, learned counsel for the respondent/D.Hr would contend that the subject E.P was filed in the year 2015 and sufficient opportunity was given to the revision petitioners. In spite of that, they did not pay the decretal amount and therefore, the executing Court was pleased to pass the impugned order. There is no illegality or infirmity in the impugned order and ultimately prayed to dismiss the revision petition.

5) As can be seen from the material placed on record, E.P.No.125 of 2015 was filed in the year 2015. Though sufficient opportunity was given to the revision petitioners/J.Drs, they did not pay the decretal amount. Even on the date of impugned order, the revision petitioners/J.Drs were absent and there was no representation on their behalf. There is no dispute with regard to the calculation of amounts in the execution proceedings. The Dispute No.629 of 2013 filed by the respondent/D.Hr before the Deputy Registrar of Chits/Arbitrator, Ranga Reddy District (West), for recovery of money, was allowed. When a decree is not satisfied, it is open to the Decree Holder to realise the money from any of the Judgment Debtors. The revision petitioners 2 to 5/J.Drs 2 to 5 are guarantors to the revision petitioner No.1/J.Dr.No.1 i.e, principal borrower. The executing Court had rightly exercised the jurisdiction vested in it. There is no illegality or infirmity in the order under challenge. This Civil Revision Petition is devoid of merit and is liable to be dismissed.

6) In the result, this Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 19.09.2019
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