

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1746 of 2019

Date: 29.07.2019

Between:

Koduri Srinivas.

... Petitioner/Judgment Debtor No.2

AND

Kapil Chits (Kakatiya) Private Limited,

Rep. by its Divisional Manager,

Rampur Branch

and others.

... Respondents

Counsel for the Petitioner : Sri Bethi Venkateshwarlu

Counsel for the Respondents : ---

The Court made the following:

ORDER: (Per Hon'ble Dr. Justice Shameem Akther)

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/Judgment Debtor No.2, challenging the order, dated 18.04.2019, passed in E.A.No.75 of 2017 in E.P.No.163 of 2016 in A.R.B. No.200 of 2012 by the learned Principal Senior Civil Judge, Karimnagar.

2) Heard arguments of Sri Bethi Venkateshwarlu, learned counsel for the petitioner and perused the record.

3) Learned counsel for the revision petitioner/Judgment Debtor No.2, would contend that the impugned order under revision is contrary to law and facts of the case. The decretal order was passed basing on forged documents. This aspect was not considered by the Court below. E.P.No.163 of 2016 filed against the award in A.R.B.No.200 of 2012 is required to be determined on merits. Without giving an opportunity of hearing, the impugned order was passed and ultimately prayed to set aside the impugned order and allow the C.R.P. as prayed for.

4) In view of the above submissions, the point that arises for determination is:

“Whether the impugned order dated 18.04.2019 passed in E.A.No.75 of 2017 in E.P.No.163 of 2016 in A.R.B.No.200 of 2012 by the Principal Senior Civil Judge, Karimnagar, is liable to be set aside?”

5) **POINT:** The revision petitioner/Judgment Debtor No.2 filed E.A.No.75 of 2017 in E.P.No.163 of 2016 to stay the execution of warrant of attachment of the immovable property passed against

him till the disposal of the E.P. A perusal of the docket proceedings in E.A.No.75 of 2017 reveals that the said application had undergone several adjournments and the impugned order dated 18.04.2019 was passed after hearing the both parties. While dealing with the subject application by the Court below, no single document was filed by the revision petitioner to establish that a complaint was lodged alleging forgery. If the revision petitioner was aggrieved by the award passed in A.R.B.No.200 of 2012, he ought to have assailed the same before the appropriate Court by filing an appeal, which he did not choose to do so. Therefore, the Court below is justified in passing the impugned order. The civil revision petition is devoid of merits and is liable to be dismissed.

6) Accordingly, the Civil Revision Petition is dismissed at the stage of admission. Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

Pending miscellaneous petitions, if any, shall also stand closed.

RAGHVENDRA SINGH CHAUHAN, HCJ

Dr. SHAMEEM AKTHER, J

Date: 29.07.2019

scs