

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2951 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/judgment debtor/defendant aggrieved by the order dated 29.10.2019 passed in E.P.No.209 of 2019 by the I Senior Civil Judge, City Civil Court, Hyderabad, whereby the Execution Petition filed by the respondent/decree holder/plaintiff, under Order XXI Rule 36 read with Section 151 of CPC, to deliver the possession of the suit schedule property to the decree holder, was allowed.

2. Heard learned counsel for the revision petitioner/Judgment debtor, learned counsel for the respondent/decree holder and perused the record.

3. It is contended by the learned counsel for the revision petitioner/judgment debtor that without hearing the subject matter, the impugned order was passed on 29.10.2019. It is also contended that an appeal is pending in respect of the subject matter of the execution proceedings. In spite of same, the Court below issued the warrant of delivery of possession, which is erroneous and ultimately prayed to set aside the impugned order and allow the civil revision petition as prayed for.

4. On the other hand, learned counsel for the respondent/decree holder would contend that the warrant was

executed, possession was delivered and consequently, the proceedings in E.P.No.209 of 2019 were terminated and hence, the cause in the revision petition does not survive for adjudication. It is further contended that after giving several opportunities to the revision petitioner/judgment debtor, the Court below passed the impugned order and ultimately prayed to dismiss the revision petition.

5. Admittedly, there is no stay of decree sought to be executed in the subject E.P.No.209 of 2019. A perusal of the impugned order reveals that several opportunities were given to the revision petitioner/judgment debtor to advance arguments on his behalf and some conditions were also imposed on him. In spite of the same, no arguments were submitted on his behalf. Thereafter, the impugned order was passed by the Court below.

6. Under these circumstances, it cannot be said that the impugned order was passed without giving opportunity to the revision petitioner/judgment debtor. The submissions made by the revision petitioner/judgment debtor are unsustainable. The revision petition is devoid of merit and is liable to be dismissed.

7. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 11.12.2019
ssp

