

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**CIVIL REVISION PETITION No.7201 of 2018**

**ORDER :**

Heard the learned counsel for petitioners and learned counsel for respondents.

2. This Revision is filed under Section 115 C.P.C. challenging the order dt.28-09-2018 in E.A.No.537 of 2018 in EP (SR) No.1720 of 2016 seeking leave to permit the petitioners/Decree Holders to maintain E.P (SR) No.1720 of 2016 in addition to E.P.No.39 of 2002.

3. In this Revision, though notices have been sent to respondents, they have been returned with an endorsement “unclaimed”.

4. It is the contention of the petitioners that in addition to the properties belonging to respondent Nos.1 and 2 which are mentioned in E.P.No.39 of 2002, petitioners have discovered other properties mentioned in E.P. (SR) No.1720 of 2016 which can also be sold to satisfy the decree obtained by petitioners in O.S.No.2958 of 1988.

5. I have already mentioned in the order passed by me today in C.R.P.No.7121 of 2018, how the respondents have frustrated the execution of the decree in the suit in E.P.No.39 of 2002 over a long period of time. Instead of assisting the decree-holders in executing the decree obtained by them in the suit, the Court below cannot thwart its execution ignoring the conduct of the respondents in not satisfying the

decree, which had been obtained by Decree Holders on 08-01-1990.

The view of the Court below is perverse and cannot be sustained.

6. Accordingly, the Civil Revision Petition is allowed; the order dt.28-09-2018 in E.A.No.537 of 2018 in E.A. (SR) No.1720 of 2016 is set aside; E.A.No.537 of 2018 is allowed; and the Court below is directed to register E.P. (SR) No.1720 of 2016 and take further steps in the matter. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

**JUSTICE M.S.RAMACHANDRA RAO**

Date: 31-07-2019

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