

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.3840 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/Defendant No.3 aggrieved by the order, dated 08.11.2017, passed in I.A.No.332 of 2013 in I.A.No.144 of 2013 in O.S.No.280 of 2005 by the III Additional District Judge, Ranga Reddy District at L.B.Nagar, wherein the subject Interlocutory Application filed by the petitioner/defendant No.3 under Section 151 of the Code of Civil Procedure, 1908 to stay all further proceedings and also to direct the Advocate-Commissioner to stop execution of Commission in respect of Suit 'A' Schedule property, was dismissed.

2. Heard the learned counsel for both sides and perused the record.

3. As per the material placed on record, respondents/defendant Nos.1 and 2 died.

4. Learned counsel for the petitioner/defendant No.3 would contend that the Court below is unjustified in passing the impugned order and ultimately, prayed to set aside the impugned order and allow the subject Interlocutory Application as prayed for.

5. On the other hand, learned counsel for the respondent/plaintiff supported the impugned order passed by the Court below.

6. The Court below while dealing with subject matter of the Interlocutory Application was pleased to hold that the revision petitioner/defendant No.3 was granted 1/4th share in the suit schedule property and recorded a finding that no fraud was committed by the Advocate Commissioner and that the plea of the revision petitioner/defendant No.3 cannot be considered. Absolutely, there is no material to hold that the Advocate Commissioner had committed any fraud while executing the warrant of the commission. No material is placed on record to take a different view. There is no legal infirmity in the impugned order. There are no grounds to stay execution of the warrant issued to the Advocate Commissioner. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

20th February, 2020

YVL

Dr. SHAMEEM AKTHER, J

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Date:20.02.2020

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