

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.4814 of 2013

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/judgment debtor No.11, challenging the docket order, dated 26.03.2013 passed in E.P.No.5 of 2009 in O.S.No.71 of 1983, by the Principal Junior Civil Judge, Kamareddy, wherein the Court below issued warrant of delivery of possession of schedule property on payment of process.

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

3. The learned counsel for the revision petitioner/judgment debtor No.11 would submit that there is no mention in the relevant column in the subject Execution Petition as to against whom the decree sought to be executed. Further, the impugned order dated 26.03.2013 is passed without serving notice on the revision petitioner/judgment debtor No.11. Therefore, the impugned order passed by the Court below is unsustainable and ultimately prayed to set aside the same and allow the Civil Revision Petition.

4. On the other hand, the learned counsel for the respondents/decree holders would submit that after the death of judgment debtor No.8/defendant No.8, judgment debtor Nos.9 to 12, were brought on record as LR's of judgment Debtor No.8, in the subject execution proceedings. Further, in spite of publication of notice in a newspaper for appearance of the judgment debtor Nos.9 to 12,

they did not choose to appear. On 26.03.2013 also, there was no representation and hence, the Court below passed the impugned docket order. There is no infirmity in the impugned order and ultimately prayed to dismiss the Civil Revision Petition.

5. As seen from the record, in the subject Execution Petition, the details of the revision petitioner/judgment debtor No.11 along with other legal representatives of judgment debtor Nos.1 and 8/ defendant Nos.1 and 8 were mentioned in the column “against whom the decree sought to be executed”. Hence, the execution of decree is sought against the revision petitioner/judgment debtor No.11 and also other judgment debtors. There is no infirmity in the pleadings of the execution proceedings. Though it is contended that the warrant of delivery of possession of the E.P. schedule property was issued without notice, no document is filed by the revision petitioner to substantiate the said contention. A perusal of the impugned order, dated 26.03.2013, reveals that the Court below followed due process of law. Under these circumstances, the impugned order dated 26.03.2013, is sustainable. The Civil Revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

02nd January, 2020.
Vvr

Dr. SHAMEEM AKTHER, J