

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWELFTH DAY OF APRIL.
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE Dr. JUSTICE CHILLAKUR SUMALATHA

Civil Revision Petition No. 6148 of 2018

Revision filed under Section 115 of CPC aggrieved by the Order dated 01.11.2017 in E.P.No.2 of 2013 in O.S.No.1011 of 2007 on the file of the Court of the IV Addl. District and Sessions Judge at L.B. Nagar, Ranga Reddy District.

Between:

1. K.Savitri, W/o. Late Narasimha Reddy, Aged 63 years, Occ. House wife, R/o Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District.
2. Kolan Sridhar Reddy, S/o Late Narasimha Reddy, Aged 43 years, Occ. Pvt. Employee, R/o Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District.
3. Kolan Surender Reddy, S /o late Narasimha Reddy, Aged 43 years, Occ. Pvt. Employee, R/o Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District.

...Petitioners/JDrs.4,5 &8.

AND

1. L.V.R.Mehta (Died).
2. CH. N.V.S.Reddy, S/o Subbi Reddy, aged 50 years, Occ. Business, R/o Flat No.50, Ashok Chandra Apartments, Lakdikapool, Hyderabad.
3. V.C.V.S. Naidu, S/o V.Narayana Swamy, aged 43 years, Occ. Business R/o. Plot No.35, High Court Colony, Vanasthalipuram, Hyderabad.
4. Baddam Madhusudhan Reddy, S/o Rosi Reddy, aged 48 years, Occ. Business, R/o. Plot No.8, Arunodayanagar, Bhaghyalatha Colony, Vanasthalipuram, Hyderabad.

..Resondents/DHrs.

5. Kolan Narasimha Reddy (died).
6. Peesari Srikantha Reddy, S/o P.Ram Reddy, Aged 48 years, Occ. Business, R/o. H.No.2-44, Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District.
7. K.Lakshamma (Died).
8. Kolan Giridhar Reddy, S/o late Narasimha Reddy, Aged 38 years, Occ. Employee, R/o Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District. (Presently Residing at USA).

9. Kolan Ravinder Reddy, S/o. Late Narasimha Reddy, Aged about 38 years, Occ: Employee, R/o. Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District. (Presently residing at USA)
10. A.Usha, W/o. Kondal Reddy, aged about 31 years, Occ: Housewife, R/o. Kawadipalli Village, Hayathnagar Mandal, Ranga Reddy District.

(RR 5 to 10 are not necessary to this CRP)

...Respondents/JDr.1,3,6,7 & 9.

LA NO: 2 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in EP No.2 of 2015 in OS No.1011 of 2007 dated 01.11.2017 on the file of the IV Addl. District and Session Judge, at L.B. Nagar, Ranga Reddy District, pending disposal of the above CRP.

Counsel for the Petitioners: Sri CH.Venkat Raman.

Counsel for the Respondents Nos.1 to 4: Sri Police Venkata Reddy.

The Court made the following: **ORDER**

THE HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.6148 of 2018

ORDER :

Challenge in this Civil Revision Petition is the order rendered by the Court of IV Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, in E.P.No.2 of 2013 in O.S.No.1011 of 2007, dated 01.11.2017.

2. Heard the submission of learned counsel for the revision petitioners/Judgment Debtor Nos.4, 5 and 8. No representation on respondents' side.

3. Disputing the validity of the impugned order dated 01.11.2017, learned counsel for the revision petitioners submits that the revision petitioners are Judgment Debtor Nos.4, 5 and 8 and they came on record in E.P. proceedings as legal representatives of the deceased Judgment Debtor No.1. He states that the revision petitioners/Judgment Debtor Nos.4, 5 and 8 filed an application to set aside the *exparte* order that was passed

against them and their request was honoured by the Court, however, without affording any opportunity, Rule 54 of C.P.C. attachment is effected, which is unjustifiable.

4. On 11.04.2022, learned counsel for the respondents submitted that sale notices were issued in the E.P. and, therefore, the revision petition itself has become infructuous.

5. Learned counsel for the revision petitioners made a further submission that E.P. schedule property is ancestral property of Judgment Debtor No.1 and, therefore, the decree passed itself is unjustifiable and the property cannot be brought for sale in the E.P. proceedings.

6. There is no material on record to show that the Judgment Debtor No.1 has challenged the judgment and decree that was passed in the suit. Therefore, the contention raised regarding the nature of the property, that too in this revision petition, cannot be taken into consideration. That apart, learned counsel for the revision petitioners himself makes a submission that Judgment Debtor No.1 could not file his counter in the E.P. by

mistake. When the impugned order dated 01.11.2017 is looked into, this Court finds that basing on the representation of learned counsel for Decree holder that Rule 54 C.P.C. notices were already served upon Judgment Debtor Nos.1 to 4, however, attachment was not effected, fresh order of attachment was issued. Learned counsel for the revision petitioners also submits that proclamation of sale was ordered.

7. Having regard to the said fact, this Court is of the view that attachment effected cannot be set aside. This Court does not find any justifiable grounds whatsoever to interfere with the order under challenge.

8. Resultantly, the Civil Revision Petition is dismissed.
No order as to costs.

9. As a sequel, miscellaneous applications pending, if any, shall stand closed.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

GP
SECTION OFFICER

To,

1. The IV Addl. District and Session Judge at L.B. Nagar, Ranga Reddy District.
2. One CC to Sri CH.Venkat Raman, Advocate [OPUC]
3. One CC to Sri Police Venkat Reddy, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

JCK

SB

7

HIGH COURT

DATED:12/04/2022



ORDER

CRP.No.6148 of 2018

Dismissing the CRP without costs.

6
PM
13/6