

**THE HONOURABLE SRI JUSTICE A.SANTHOSH REDDY**

**CIVIL REVISION PETITION No.1766 of 2022**

**ORDER:**

This civil revision petition, is directed against the order dated 05.07.2022 in E.P.No.4 of 2018 in O.S.No.45 of 2014, on the file of the Principal Junior Civil Judge, Sircilla, wherein the said petition filed by the respondent/decreed holder under Order XXI Rule 32 of Civil Procedure Code to enforce the decree of injunction passed by the Principal Junior Civil Judge, Sircilla in O.S.No.45 of 2014 dated 17.08.2015 by way of detention of the judgment-debtor Nos.1 to 3 in civil prison, was allowed.

2. Heard learned counsel for the petitioners and learned counsel for the respondent. Perused the material on record.
3. The parties are herein referred to as arrayed in the Execution Petition.
4. The decreed holder filed a suit in O.S.No.45 of 2014 for perpetual injunction and the same was decreed by the Principal Junior Civil Judge as *ex-parte* on 17.08.2015 in respect of the suit schedule property in Sy.No.493/E to an extent of Ac.0-10 Gts.

situated at Narsakkapet, hamlet of Pothur Village, Ellanthakunta Mandal, Karimnagar District. The decree holder filed E.P.No.4 of 2018 under Order XXI Rule 32 CPC and the learned Principal Junior Civil Judge, Sircilla, allowed the same. The judgment debtors filed counter and after considering the material on record, the executing court allowed E.P. No.4 of 2018 and directed judgment debtor Nos.1 to 3 to be detained in civil prison for ten days each. Challenging the said orders, the present revision petition is filed.

5. Learned counsel for the judgment debtors submits that the trial Court has committed error in not giving sufficient time to obey the orders of the Court in spite of pleading in the affidavit filed by them in the said proceedings. The learned counsel further submits that there is no specific pleading with regard to the date of interference caused by the judgment debtors with the possession of the decree holder in respect of the suit schedule land.

6. Learned counsel for the decree holder submits that the matter is settled between the parties, however, orders may be set aside and the matter be remanded back to the trial Court.

7. A perusal of the material on record, including the impugned order, discloses that the executing Court was satisfied that judgment debtors Nos.1 to 3 willfully disobeyed the orders of perpetual injunction granted in O.S.No.45 of 2014. In fact, the order would go to show that there is no proper material to satisfy that the judgment debtors were given an opportunity after passing the decree for injunction and that they have willfully disobeyed.

8. Having regard to the submissions made by the learned counsel for the petitioners - judgment debtors and respondent - decree holder, as the matter is settled between the parties and also keeping in view the fact that no proper material placed by the respondent-decree holder and sufficient opportunity was accorded to the judgment debtor Nos.1 to 3 for obeying the decree for

injunction, I am of the view that the order impugned is liable to be set aside.

9. Accordingly, the civil revision petition is allowed by setting aside the order dated 05.07.2022 in E.P.No.4 of 2018 in O.S.No.45 of 2014. There shall be no order as to costs.

10. Pending miscellaneous petitions, if any, stand closed.

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**A.SANTHOSH REDDY, J**

Date: 21.10.2022

*Krr/Yvk*