



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4537 of 2025

Nuthalapati Ravi Kumar
S/o Venkata Subbiah Naidu, No.3-1340,
Chettigunta Road, Nellore City, SPSR Nellore
District

..Petitioner(s)

Vs

1. Chittineni Kranthi @ Ramakrishna Rao
(deceased) 1.Chettineni Udayasri
W/o Chittineni Kranthi @ Ramakrishna Rao,
Res at No.86, 4th Cross Road, Anna Nagar,
Lawspet, Pondicherry
2. Chettineni Ramoji
S/o Chittineni Kranthi @ Ramakrishna Rao,
Res at No.86, 4th Cross Road, Anna Nagar,
Lawspet, Pondicherry
3. Chittinei Lakshmiji
S/o Chittineni Kranthi @ Ramakrishna Rao,
Res at No.86, 4th Cross Road, Anna Nagar,
Lawspet, Pondicherry

..Respondent(s)

Prayer:

Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the Impugned Order dated 28.04.2025 Passed by the Honble Principal District Judge, Pondicherry in Unnumbered EP. of 2025 in OS.No.57 of 2019 considering the attachment order issued by the Honble III Additional District Judge, Nellore in IA.No.386 of 2019 in OS.No.57 of 2019 as effective as the deceased first respondent was well aware of the order as he had filed counter in the said IA.on 30.10.2019 and proceed with EP



For Petitioner(s):
For Respondent(s):

MR.D.SREENIVASAN
RESPONDENTS - NO APPEARANCE

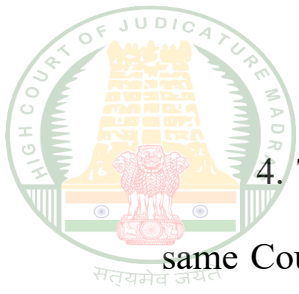
WEB COPY

ORDER

Challenging the impugned order passed in the unnumbered Execution Petition, the decree holder/plaintiff has preferred the present revision.

2. Before the Executing Court at Puducherry, the decree holder filed an application seeking sale of the schedule-mentioned property, which had already been attached by the Trial Court, in order to realize the decree amount. However, at the unnumbered stage itself, the learned Executing Judge dismissed the petition holding that, as per the endorsement made by the Amin, the property had already been sold even prior to the attachment and, therefore, the decree holder was not entitled to proceed with the execution petition. Aggrieved by the said finding, the present revision has been filed.

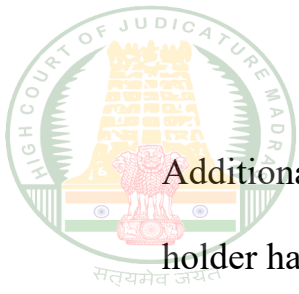
3. The learned counsel for the petitioner submitted that he had obtained an order of attachment in I.A. No.386 of 2019 in O.S. No.57 of 2019 on the file of the III Additional District Judge, Nellore. A perusal of the order reveals that the Trial Court had ordered attachment of the property situated at Puducherry on 02.07.2019.



4. Thereafter, the judgment debtors filed I.A. No.349 of 2021 before the same Court seeking return of the original documents. The said application was dismissed, wherein the Trial Judge had specifically referred to the attachment petition filed by the plaintiff. Subsequently, after obtaining a decree in favour of the plaintiff on 30.01.2024, the decree holder transmitted the decree to the Executing Court at Puducherry, where the property is situated, and sought numbering of the Execution Petition. However, even before numbering, the Execution Petition was rejected on the ground that the property had already been sold.

5. A perusal of the order of the Executing Court reveals that a counsel had appeared on behalf of the judgment debtors. However, without calling for objections from the judgment debtors, the learned Executing Judge suo motu concluded that the property had already been transferred and that the attachment order dated 02.07.2019 was not enforceable. There is, however, no concrete evidence to establish that the property had been sold by the judgment debtors prior to the attachment. Merely relying upon the Amin's endorsement, the Executing Court rejected the petition, which, in the opinion of this Court, is erroneous.

6. The records further reveal that the decree holder has been attempting to recover an amount exceeding Rs.15 lakhs since the year 2019 before the III



Additional District Judge, Nellore. Even after obtaining a decree, the decree holder has not been able to realize the decretal amount. There is also no material to show that any appeal has been preferred against the decree or that its operation has been stayed.

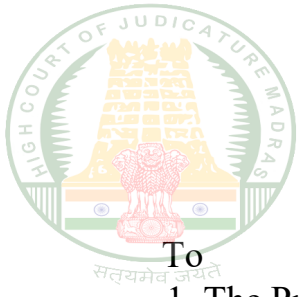
7. Therefore, the impugned order passed by the Executing Court is set aside. The Executing Court is directed to number the Execution Petition within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Executing Court shall issue notice to all the necessary parties and proceed with the execution proceedings in accordance with law. If any third party has purchased the property, the Executing Court shall also consider such person's rights and objections in the manner known to law.

8. With the above observations, this Civil Revision Petition is disposed of. No costs.

22-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPA



To

1. The Principal District Judge, Pondicherry.
2. The III Additional District Judge, Nellore.
3. The Section Officer, VR section,
High Court of Madras.

WEB COPY



WEB COPY

CRP No. 4537 of 2



T.V.THAMILSELVI, J.

MPA

CRP No. 4537 of 2025

22-06-2026