

APHC010307282017



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3505]

FRIDAY ,THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

CIVIL REVISION PETITION NO: 5359/2017

Between:

Aravapalli Eswara Rao,

...PETITIONER

AND

Motupalli Veeraraghavulu

...RESPONDENT

Counsel for the Petitioner:

1.MANGENA SREE RAMA RAO

Counsel for the Respondent:

1.

The Court made the following order:

The present revision is filed questioning the order dated 01.06.2017 passed in EP No.8 of 2016 in OS No.235 of 2010 on the file of the Senior Civil Judge, Ramachandrapuram.

2. The petitioner is the decree holder who filed suit for recovery of amount against the respondent. Upon contest, the same was decreed by judgment and decree dated 26.09.2013. Thereafter, the petitioner filed execution petition under Order XXI Rules 54, 64 & 66 CPC, seeking to attach the petition schedule property and put the same in auction to realize the decretal amount. The execution Court by impugned order dismissed the said petition. Aggrieved by the same, the present revision petition is filed.

3. Heard the counsel for the petitioner.

4. On perusal of the order impugned, it is clear that the property which is sought to be attached and put to auction is standing in the name of the wife of respondent. Therefore, by no stretch of imagination, it can be said that the property belongs to the respondent. Further, the said property was assigned in favor of the wife of the respondent as house site. As such, the property

in dispute does not belong to the respondent, the same cannot be attached and the execution Court rightly dismissed the petition. There is no illegality or infirmity in the order passed by the execution Court and accordingly the present revision petition is dismissed.

There shall be no order as to costs. As a sequel, pending applications, if any, shall stand closed.

JUSTICE T.C.D. SEKHAR

Dt.31.01.2025
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140

THE HONOURABLE SRI JUSTICE T.C.D. SEKHAR

CRP No.5359 of 2017
Date 31.01.2025

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