



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

[3239]

FRIDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K SURESH REDDY

CIVIL REVISION PETITION NO: 2509/2024

Between:

V.Vijay Lakshmi ...**PETITIONER**

AND

N.Reddy Kumari ...**RESPONDENT**

Counsel for the Petitioner:

1.O UDAYA KUMAR

Counsel for the Respondent:

1.V ESWARAIAH CHOWDARY

The Court made the following ORDER:

Questioning the order passed by the learned X Additional District Judge, Tirupati, in E.A.No.38/2024 in E.P.No.75/2022 in O.S.No.29/2014 dated 27.08.2024, the petitioner / judgment debtor filed the present Civil Revision Petition under Section 115 CPC.

2. The respondent / decree holder filed the above E.A. under Order VI Rule 17 and Section 151 CPC seeking amendment of the Execution Petition.

3. It is the contention of the petitioner / decree holder that as per the final decree passed by the learned X Additional District Judge, Tirupati, in

I.A.No.475/2019 ordering to sell half of the petition schedule property for realization of the decretal amount and due to oversight, he could not mention the fact of selling away half of the mortgaged scheduled property in E.P. schedule and also in the prayer and as such, he filed said petition seeking amendment of the E.P. schedule limiting the sale of the schedule property to the extent of half.

The judgment debtor opposed the application by filing counter. However, he contended that the petition under Order VI Rule 17 CPC can be maintained even in execution petition.

4. Heard Sri O.Udaya Kumar, learned counsel for the petitioner, and Sri V.Eswaraiah Chowdary, learned counsel for the respondent.

5. This Court perused the entire material on record. Admittedly, in the final decree proceedings passed by the very same court vide I.A.No.475/2019 is only to the extent of half of the schedule property. As such, no prejudice is caused by amending the E.P. schedule. As such, the order passed by the learned X Additional District Judge, Tirupati, in E.A.No.38/2024 in E.P.No.75/2022 in O.S.No.29/2014 dated 27.08.2024, needs no interference.

With the above direction, this Civil Revision Petition is disposed of at the admission stage, confirming the orders passed by the learned X Additional District Judge, Tirupati, in E.A.No.38/2024 in E.P.No.75/2022 in O.S.No.29/2014 dated 27.08.2024. It is made clear that only half of the E.P. schedule property is liable to be sold. There shall be no order as to costs.

As a sequel, interlocutory applications pending, if any, shall also stand closed.

K SURESH REDDY, J

Date: 28.03.2025
MVA