

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: C.R.P.No.1213 of 2026

PROCEEDING SHEET

SL. No.	DATE	ORDER	OFFICE NOTE
01.	22.04.2026	<u>DR, J</u> <u>I.A.No.1 of 2026</u> This interlocutory application is filed seeking to Dispense with the filing of certified copy of order dt.09.02.2026 passed in E.P.No.105 of 2022 in O.S.No.7 of 2015 on the file of the Court of the IX Additional District Judge, West Godavari, Kovvur. Considering the same, this interlocutory application No.1 of 2026 is ordered. <u>DR, J</u> <u>C.R.P.No.1213 of 2026</u> The Civil Revision Petition is filed aggrieved by the order dated 09-02-2026 passed in E.P.No.105 of 2022 in O.S.No.7 of 2015 on the file of the IX Additional District Judge, Kovvur. The contention of the petitioners is that the petitioners/Judgment Debtors filed an objection in E.P.No.105 of 2022 with regard	

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		to the proclamation of E.P. schedule property. That, instead of proclaiming the entire extent of Ac.3.50 cents, only such part/portion of the property as is sufficient to satisfy the decretal amount ought to be brought to sale, and the same has to be considered in terms of Order XXI Rule 64 of the Code of Civil Procedure. But, surprisingly the Court below without considering the objections raised under Order XXI Rule 64, rejected the same on the ground that such objections would be considered at the time of final settlement of the proclamation under Order XXI Rule 66. In support of his contention, the learned counsel for the petitioners relied upon various judgments of the Hon'ble Supreme Court and as well as of this Court. Following the same, the Hon'ble Supreme Court has categorically held that It is the duty of the Court to consider whether it is necessary to bring the entire attached property to sale or only such portion thereof as may seem necessary to satisfy the decree. If the property is large and the decree to be satisfied is small, the court must bring only such portion of the property to sale as is necessary.	

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		Considering the observations of the Hon'ble Supreme Court, there shall be a stay of all further proceedings pursuant to the order dt.09.02.2026 passed in E.P.No.105 of 2022 in O.S.No.7 of 2015 on the file of the Court of the IX Additional District Judge, West Godavari, Kovvur, for a period of ten (10) weeks. List after six (06) weeks. In the meanwhile, the petitioners are permitted to take out personal notice to the respondent through Speed Post and file proof of service in the Registry. <u>DR, J</u> RMD	