

HIGH COURT FOR THE STATE OF TELANGANA: HYDERABAD

MAIN CASE NO: CRP No.813 of 2026

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
1.	13.03.2026	<u>NTR,J</u> <u>I.A No.01 of 2026</u> Heard ...?? Learned counsel for the petitioner submits that the Executing Court failed to consider the fact that respondents Nos.2 and 3 are not Decree Holders, as the interest of the plaintiff was confined only to a part and the preliminary decree was passed to that extent, wherein the rights of the plaintiff alone was concluded. Notwithstanding this, the father of respondents Nos.2 and 3 filed an Execution Petition in the year 2009, which came to be dismissed for default in 2012. Subsequently, the legal representatives of respondent No.1/Decree Holder, namely respondents Nos.2 and 3, filed the present Execution Petition in the year 2019. It is further contended that the period of limitation for filing an Execution Petition for enforcement of a decree is twelve years under the relevant provisions of the Limitation Act. However, the Executing Court, without properly considering these aspects and beyond the settled legal principles governing limitation in execution proceedings, though having framed the issues correctly for consideration, proceeded to render its conclusions without adequately appreciating the facts and the legal position placed by the petitioner. Hence, the	

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		learned counsel prays for interference by this Court. Per contra, learned counsel for respondents Nos.2 and 3 submits that the Executing Court has duly considered the issues in their proper perspective. Having regard to the settled legal position, the Court categorically held that the Execution Petition filed by the predecessor-in-interest of the respondents was dismissed for default on the ground that the decree had been satisfied, and that the Execution Petition filed by respondents Nos.2 and 3 is merely a continuation of the earlier proceedings and amounts to a revival of the Execution Petition filed by their father, which was within the prescribed period of limitation. It is further contended that the rights claimed by the predecessor of respondents Nos.2 and 3 had crystallized earlier in the final decree and, as it is not executed, cannot be treated as having attained finality. Further the conclusions in the final decree dated 14.10.1997 remained unchallenged until the filing of the Execution Petition in 2009 by their predecessor-in-interest. Consequently, it is submitted that the impugned order was passed upon proper appreciation of the law and the facts of the case, and that no interference by this Court is warranted. Having considered the submissions made by the learned counsel for the parties, and in view of the issues raised by the petitioner which disclose a prima facie case warranting consideration, this Court	

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		finds it appropriate to admit the present Revision Petition. As an interim measure, the order dated 23.01.2026 passed in E.P. No.14 of 2019 in O.S. No.890 of 1987 by the learned Principal Junior Civil Judge, Rajanna Sircilla, shall remain suspended pending disposal of the Civil Revision Petition. <u>CRP No.813 of 2026</u> Admit. List the matter for hearing on 01.05.2026. NTR,J <i>CHS</i>	