

**THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:-

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

CIVIL REVISION PETITION NO: 3286 OF 2025

Between:

1. V. Buchi Babu, S/o. Paguntappa. ✓
2. V. Narsimhulu, S/o. V. Sinthaliah @ Chintaliah. ✓

Petitioners

AND

1. N. Prabhakar Reddy, S/o. N. Gangi Reddy, Aged about 54 years, Occ Business, R/o. H.No.9-105/5, Shanthinagar Village, Wadeally Mandal, Jogulamba Gadwal District ✓
2. R. Sudharshan Reddy, S/o. R. Chandra Reddy, Aged about 45 years, Occ Business, R/o. H. No. 4-22-1-4-2, Kurnool City and District. ✓

Respondents

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to aggrieved by the impugned docket order dated 05.09.2024 in E.P. No.42 of 2024 passed by the Hon'ble Principal District and Sessions Judge, Jogulamba Gadwal (Hereinafter referred to as 'Trial Court') to attach of the immovable property of the petitioners/ judgment debtors shown in the schedule and consequential auction sale proclamation notice dated 05.08.2025.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in E.P. No.42 of 2024 on the file the Principal District and Sessions Judge, Jogulamba Gadwal pursuant to the pursuant to the docket order dated 05.09.2024 in E.P. No.42 of 2024 Consequently sale proclamation notice dated 05.08.2025, pending disposal of CRP 3286 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof upon hearing the arguments of Sri SUMITH RAJ Advocate for the Petitioners.

The Court made the following.

ORDER:

Petitioners are aggrieved by the impugned docket order dated 05.09.2024 in E.P.No.42 of 2024 passed by the learned Principal District and Sessions Judge, Jogulamba Gadwal, to attach the immovable property of the petitioners/judgment

debtors shown in the schedule and consequential auction of sale proclamation notice dated 05.08.2025.

For the sake of convenience the petitioners (judgment debtors) in this petition are defendants in O.S.No.8 of 2021 and the respondents (decree holders) are plaintiffs in the said suit and are referred to as plaintiffs and defendants.

The plaintiffs entered into an Agreement of Sale dated 22.01.2021 with the defendants to purchase the land admeasuring Ac.1.32 Gts., in Sy.No.90/AA/2, Ac.0.34 Gts., in Sy.Nos.91/1 PIKI and 91/2 PIKI and Ac.3.25 Gts., in Sy.No.90/AA/2, totally admeasuring Ac.6.11 Gts., situated at Shanthi Nagar, Waddepally Mandal, Jogulamba Gadwal District for total sale consideration of Rs.5,55,33,750/-. The plaintiffs paid an amount of Rs.1,00,00,000/- as an advance sale consideration and failed to pay the balance sale consideration, and thereafter, filed a suit O.S.No.8 of 2021 before the Hon'ble Principal District and Sessions Judge, Jogulamba Gadwal, seeking cancellation of the Agreement of Sale dated 22.01.2021 and refund of Rs.1,00,00,000/- paid as earnest sale consideration on the ground that the title of the defendants over the suit schedule lands was defective, and third-party litigations were pending in respect of the suit schedule lands. The defendants denied the allegations. During the pendency of the suit, the defendants entered into compromise with the plaintiffs. Thereafter, O.S.No.8 of 2021 was referred to the Lok Adalat Bench at Gadwal and registered as Lok Adalat Case No.8 of 2024. The petitioners therein compromised to pay an amount of Rs. 1,25,00,000/- and an award was passed in Lok Adalat Case No.8 of 2024 dated 08.02.2024 with a direction to the petitioners herein to pay an amount of Rs.1.25,00,000/-. The petitioners challenged the Award dated 08.02.2024 passed in Lok Adalat Case No.8 of 2024 before this Court by filing W.P. No.10453 of 2025, and to put an end to the litigation, the defendants sought additional time for compliance of the Award dated 08.02.2024 and this Court granted time for compliance of the Award dated 08.02.2024. The plaintiffs thereafter filed E.P.No.42 of 2024 seeking sale of the petition schedule lands I to III under Order XXI Rules 64 and 66 of CPC. The defendants requested additional time for compliance of the Award dated 08.02.2024 before the Trial Court. However, the Trial Court rejected the prayer of the defendants seeking additional time and passed the impugned order under Order XXI Rule 54 in respect of Schedule I to III lands. Thereafter, the Trial Court issued proclamation vide auction sale proclamation notice dated 05.08.2025 under Order XXI Rule 66 of CPC for auction of the petition schedule lands I to III scheduled to be held at 2 PM on 20.09.2025 in the premises of the District Court Complex.

Aggrieved by the said impugned docket order dated 05.09.2024 in E.P. No.42 of 2024 passed by the Hon'ble Principal District and Sessions Judge, Jogulamba Gadwal to attach of the immovable property of the petitioners/ judgment debtors shown in the schedule and consequential auction sale proclamation notice dated 05.08.2025, the present Civil Revision Petition is filed.

Learned counsel for the petitioner submits that E.P.No.42 of 2024 was filed solely for sale of the petition schedule lands I to III under Order XXI Rules 64 and 66 of CPC and the respondents did not seek attachment of the schedule lands and the impugned order dated 05.09.2024 and the auction sale proclamation notice dated 05.08.2025 are contrary to the provisions of Order XXI Rules 65 and 66 CPC, as the Trial Court failed to determine entire petition schedule properties I to III is necessary for realization of

the decree amount or not. Learned counsel would further submit that admitted value of the schedule land is of Rs.5,55,33,750/- as seen from the very pleadings of the plaintiff and as per the market valuation certificate issued by the SRO, Gadwal, is Rs.22,54,47,200/-. Therefore, putting entire petition schedule properties I to III to sale under Order XXI Rule 64 r/w Rule 66 CPC for realization of award of Rs.1,25,00,000/- would cause prejudice to the petitioners and would further submit that the petitioners are willing to pay the award amount and that the efforts could not be materialized. Learned counsel for the petitioner further submits that the auction sale proclamation notice dated 05.08.2025 was issued without determining the value of the petition schedule lands I to III and the Trial Court ought to have ordered partial attachment of the petition schedule lands to realize the award amount to the respondents and that the subject lands are no longer agricultural lands and have already been converted into non-agricultural residential housing plots.

When the matter came up for admission on 12.09.2025, this Court ordered notice to the respondents and personal notice was also permitted. As per the office endorsement notice has been issued on 15.09.2025 to the respondents.

Heard learned counsel for the petitioners.

On a perusal of the Market Value certificate issued by the Sub-Registrar, Gadwal, the lands in Sy.No.90/B/1/1, 90/B/2/1/1/1, 90/B/2/1/2, 91 for a total extent of 16577 square yards, the market value of the subject lands are valued for Rs.11,27,23,600/-. Similarly for the lands in Sy.No.91/2/1/2, 91/1/2, 90/B/2/1/2, 90/B/2/1 market value are valued at Rs.11,27,23,600/-. Admittedly, the land value is shown in square yards basis.

The petitioners lands are situated in Sy.Nos.90 and 91. On perusal of docket order dated 05.09.2024 the Trial Court did not extend the time made by the judgment debtors and has recorded that judgment debtors are bound by the orders and failed to honor it within the stipulated time.

Learned counsel for the petitioners submits that the decree holders have filed Execution Petition under Order XXI Rule 11 Clause I Schedule I for recovery of award amount with future interest and costs till realization by sale of petition schedule properties under Order XXI Rule 64 & 66 of C.P.C. Learned counsel further submits as per the Lok Adalat order dated 08.02.2024, the petitioners, who are judgment debtors agreed to pay Rs.1,25,00,000/- to the decree holders within 3 months 15 days, and also drawn attention of this Court to the Lok Adalat Award dated 08.02.2024. As per the award, the plaintiffs (the respondents herein) and the defendants (the petitioners herein) agreed and settled their matter before Lok Adalat for cancellation of unregistered agreement of sale dated 22.01.2021 under Section 31 read with Section 27 of Specific Relief Act. The defendants agreed to pay an amount of Rs.1,25,00,000/- to the plaintiffs i.e., decree holders within 3 months 15 days i.e., on or before 23.05.2024, and it is further stated in the Award that if the defendants failed to pay the said amounts, the plaintiffs are at liberty to file Execution Petition against the defendants for recovery of said amount.

Learned counsel for the petitioners further submits that when the petitioners are trying to alienate the suit schedule property, the decree holders mislead the purchasers

not to purchase the said property which is within the Court of law. Learned counsel further submits that unless property is sold, the petitioners would not have sufficient funds to pay the amount as specified in the Lok Adalat Award.

None appeared for the respondents.

When the matter is taken up for hearing today, learned counsel for the petitioner filed an affidavit stating that the petitioners are willing to pre-deposit an amount of Rs.25,00,000/- before the Trial/Execution Court within a period of three (3) weeks. Further undertook to pay the remaining amount within a period of five (5) months from the date of setting aside and/or modifying the attachment order on the said property.

After arguing at length, learned counsel for the petitioners, on instructions, submits that Rs.50,00,000/- would be paid by the petitioners as agreed in Lok Adalat Award dated 08.02.2024 within a period of four (4) weeks from today and also undertake to pay the remaining amount within a period of five (5) months from today.

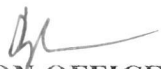
The Trial Court in its docket order dated 05.09.2024 has not made any observation whether the entire schedule of property to be auctioned is required for the purpose of discharging the claim of the decree holders and only recorded that since the judgment debtors have failed to honor within the stipulated time, the request for extension of time made by the petitioners was declined.

In that view of the matter, the auction sale proclamation notice issued by the Principal District and Sessions Judge, Jogulamba Gadwal District scheduling the auction on 20.09.2025 is hereby deferred for a period of five (5) weeks from today enabling the petitioners to adhere to their own submissions that petitioners would pay Rs.50,00,000/- within a period of four weeks, failing which the Principal District and Session Judge, Jogulamba Gadwal shall conduct auction in accordance to law.

Post the matter on 26.09.2025.

Sd/- P.PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal District and Sessions Judge, Jogulamba Gadwal.
2. N. Prabhakar Reddy, S/o. N. Gangi Reddy, Occ Business, R/o. H.No.9-105/5, Shanthinagar Village, Wadepally Mandal, Jogulamba Gadwal District
3. R. Sudharshan Reddy, S/o. R. Chandra Reddy, Occ Business, R/o. H. No. 4-22-1-4-2, Kurnool City and District.
(For 2 & 3 by RPAD)
4. One CC to SRI SUMITH RAJ Advocate [OPUC]
5. One spare copy

HIGH COURT

NVSK,J

DATED:19/09/2025

POST ON 26.09.2025.

ORDER



CRP.No.3286 of 2025

DIRECTION