

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 35748/2019

(Arising out of impugned final judgment and order dated 21-09-2013 in CRP No. 2540/2013 passed by the High Court of Judicature t Hyderabad for the State of Telangana and the State of Andhra Pradesh)

JALLURI BALA TIRUPATHI VENKATESWARLU

Petitioner(s)

VERSUS

TANARAPU SURYA RAO & ANR.

Respondent(s)

(I.A No. 161160/2019-Application for codonation of Delay in filing the SLP.

IA No. 161161/2019 - DELETING THE NAME OF PETITIONER/RESPONDENT

IA No. 161162/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 161163/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH MA 2494/2019 in SLP(C) No. 3398/2014

(IA No. 179748/2019 - MODIFICATION OF COURT ORDER)

Date : 21-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. K Sita Rama Rao, Adv.
Mr. Rahul Singh, Adv.
Mr. Rohan Chaudhary, Adv.
Mr. Shree Pal Singh, AOR

For Respondent(s)

Mr. M. Vijaya Bhaskar, AOR
Mr. Majjavi Umesh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

MA 2494/2019 in SLP(C) No. 3398/2014

IA No.179748/2019 for modification of Court's order dated 17th February, 2014 has been filed by the auction purchaser in Execution proceedings. The petitioner in the Special Leave Petition (C)No.3398/2014 is the judgment-debtor. In the execution of decree passed against the petitioner in the Special Leave Petition, on 29th August, 2012 auction was conducted in which the applicant in this application purchased the property subject matter of the execution. On 5th November, 2013, the Executing Court confirmed the auction. In the meanwhile, for challenging the order of the Executing Court, a Civil Revision Petition was filed by the petitioner in the Special Leave Petition which was dismissed by the order dated 21st September, 2013.

Being aggrieved by the said order, the Special Leave Petition was filed by the judgment-debtor. Admittedly, the auction purchaser was not made a party to the SLP, though the auction had taken place on 29th August, 2012 and was also confirmed on 5th November, 2013. As the auction-purchaser was not made a party by the SLP petitioner to the SLP and the fact that the auction has been confirmed was not disclosed to this Court, the SLP was disposed of by permitting the petitioner to deposit

the decretal amount. According to us, the applicant was a necessary party to the SLP.

Accordingly, the application is allowed. the order dated 17th February, 2014 passed in the SLP(Civil)No.3398/2014 is recalled and the SLP is restored to its original number.

Miscellaneous Application stands disposed of.

The Registry to re-construct the file of the SLP.

SLP(Civil)No.3398/2014 along with SLP(Civil)Dy.No.35748/2019 shall be listed on 9th October, 2023.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER