

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: **C.R.P.(SR).No.27247 of 2023**

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
2.	03.08.2023	<u>DR.KMR,J</u> Heard Mr. P.Narsi Reddy, learned counsel representing M/s OMR Law Firm for the appellant. This Civil Miscellaneous Appeal is being listed today under the caption “for orders.” Initially, at the time of numbering the case, Registry returned the Appeal with the following objection: <i>“After conversion from CRP SR to CMASR verifying the value of the appeal, as per the plaint copy, which has to be more than 10 lakhs for the purpose of pecuniary jurisdiction for filing of the appeal in this Hon’ble Court. Since the EP in OS was from Senior Civil Judge, Vijayawada.”</i> Later, while resubmitting the same, the learned counsel for the appellants contended <i>inter alia</i> that the order, under challenge, is an appealable order as per the provisions of Order XLIII, Rule 1 of C.P.C and more over, the jurisdiction to entertain the C.M.A is by this Court only. It is pertinent to note that the E.P.No.77 of 2013 in O.S.No.132 of 1994 on the file of II Additional Senior Civil Judge, Vijayawada was filed by the D.Hr/ plaintiff against the J.Drs/ defendants under Order XXI, Rule 34(5) C.P.C	

		to peruse the sale deed prepared in accordance with terms of the decree and causing notice to be served on J.Drs inviting objections. The Court below, after an elaborate discussion, allowed the E.P directing the defendants/ respondents herein to execute the registered sale deed in favour of the D.Hr within two months from the date of receipt of copy of that order and deliver the possession of the E.P schedule property to the D.Hr, failing which the D.Hr is entitled for the same in due process of law by filing necessary execution applications, in which case, the D.Hr need not issue further notices to the J.Drs. Now, this Appeal is filed by the Appellants / J.Drs/ defendants. Hence, in the considered opinion of this court, as per the provisions of Order XLIII, Rule 1 of C.P.C, an Appeal lies and the same has to be filed before this court. Therefore, the office objections are not sustainable and the same are hereby overruled. Registry is directed to number the C.M.A, if it is otherwise not in order. DR.KMR,J KK	
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