

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: C.M.A.No.301 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
03.	17.08.2023	<u>Dr. KMR,J</u> <u>C.M.A.No.301 of 2023</u> Admit. Heard Mr P.Narsi Reddy, learned counsel representing M/s.OMR Law Firm for the appellants. On hearing the submissions of the learned Counsel for the Appellants, the following are the substantial questions of law arise for consideration: 1) The order of the lower Court in allowing the application filed by the decree holder under Order 21 Rule 34(5) of CPC and directing the judgment debtor to execute the sale deed in favour of the decree holder and further to delivery possession of the EP schedule property to the decree holder is contrary to law and the same is vitiated by material irregularity in the exercise of jurisdiction vested in it. 2) Having regard to the defence taken by the petitioners and the provisions of the Order 21 Rule 34(5) CPC the Court below ought to have seen that such an application filed by the decree holder against the petitioners herein is not maintainable and ought to	

		have dismissed the petition. Post the matter for hearing on 08.09.2023. On hearing the submissions of the learned counsel for the appellants, the respondents are directed to maintain <i>status-quo</i> with regard to the subject suit schedule property till next date of hearing. <u>Dr. KMR,J</u> <u>I.A.No.1 of 2023</u> Notice. Learned counsel for the appellants is permitted to take out personal notice to Respondent Nos.1 and 2 by RPAD and file proof of service into the Registry. <u>Dr. KMR,J</u> tm	
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