

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No. 2939 of 2014

BETWEEN

Boddu Sanjeeva Rao

... PETITIONER

AND

Kola Bhaskar

...RESPONDENT

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondent.

2. Petitioner is judgment debtor in E.P.No.12 of 2013 in O.S.No.170 of 2010 on the file of Senior Civil Judge, Chirala. By order, dated 13.08.2014, the executing court holding that in spite of having sufficient means petitioner/judgment debtor had neglected to discharge the decretal debt, ordered for arrest of the judgment debtor. Questioning the same, the present revision is filed.

3. When this revision petition came up for hearing on 02.09.2014, while issuing notice on admission, this court granted interim stay of arrest subject to condition of petitioner depositing 1/4th of the E.P. amount within four weeks

and another 1/4th amount within a further period of four weeks with a liberty to the respondent/decreed holder to withdraw the amount so deposited. On further application filed by the petitioner viz., CRP MP No.5263 of 2014, this court by order, dated 13.11.2014, extended the time for depositing the 2nd instalment amount for four more weeks.

4. It is now reported by the learned counsel for the petitioner and the respondent that petitioner has so far deposited Rs.1,23,832/- against the total decretal amount of Rs.2,96,765/-. Learned counsel for the respondent states that the amount required to be deposited as per interim order of this court amounts to Rs.1,42,900/- and, as such, there is a short deposit of about Rs.23,000/-.

5. Learned counsel for the petitioner states that the mistake in calculation might have resulted in short deposit and he shall ensure that petitioner deposits the balance amount also within two weeks from today. Learned counsel for the petitioner also states that the appeal filed against the judgment and decree in the suit is now numbered as A.S.No.108 of 2014 on the file of II Additional District Judge at Ongole.

6. Since the decree is in the nature of a money decree and since the petitioner would be depositing 50% of the amount as per orders, referred to above, in my view, it is just and appropriate that appeal itself be heard and disposed of.

7. In view of the compliance of the conditions imposed herein, civil revision petition stands allowed and the order of the executing court shall stand set aside. However, the learned appellate court i.e., II Additional District Judge's Court at Ongole, shall hear and dispose of the appeal on merits, in accordance with law, at an early date.

As a sequel, miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

March 19, 2015

LMV