

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 39935 of 2014

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Date of Judgment: 16.4.2015

Between:

Somagani Laxmaiah and others

...Petitioners

And

The State of Telangana and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 39935 of 2014

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ORDER:

W.P.M.P.No. 50657 of 2014 to file additional material papers is allowed.

W.P.M.P.No. 14327 of 2015 to implead petitioners is allowed.

Heard learned counsel for the parties.

The petitioners herein are decree holders in various suits. The respondents 4 and 5 are judgment debtors in all the decrees. Apart from that, the respondents 4 and 5

were also accused of offences under Sections 406, 409 and 420 IPC and Sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978, they were tried and acquitted by the Chief Judicial Magistrate, Nalgonda under judgment dated 30.10.2014 in C.C.No. 2 of 2014 and a consequential direction was also given that the proceeds of M.O.14 FDR along with upto date interest shall be paid to the accused (respondents 4 and 5 herein). The said judgment of the Chief Judicial Magistrate, Nalgonda has attained finality, but it is the apprehension of the petitioners who are decree holders that they would not be able to recover any amount if the respondents 4 and 5 withdrew the FDR and encashed the same.

Initially when the writ petition was heard on 30.12.2014, a direction was given to stay the encashment of the FDR to any of the parties.

Now the respondents 4 and 5 have appeared through their counsel and it is submitted that they have agreed and filed a memo before this Court on 18.2.2015 vide USR No. 2077 of 2015 accepting that all the writ petitioners including the impleaded writ petitioners (decree holders) are entitled to the amounts as shown in the annexure filed along with the memo. The said annexure contains a list of various decree holders including the writ

petitioners and the impleaded writ petitioners. Learned counsel for all the writ petitioners and the learned counsel for the respondents 4 and 5, therefore, state that in terms of the said memo, they have no objection for distribution of the amounts covered by the FDR to the respective decree holders. However, it is stated that since execution petitions are pending before different executing courts, the amounts may have to be appropriately transferred to the respective executing courts for satisfaction of decrees and for that purpose, the executing courts have also addressed the Chief Judicial Magistrate, Nalgonda where the matter is seized of. It is stated that an appropriate memo identical to the one filed in this Court shall also be filed by the parties before the Chief Judicial Magistrate, Nalgonda.

Since there is a consensus among the parties in terms of the memo filed in this Court, this writ petition is disposed of permitting the writ petitioners including the impleaded writ petitioners as well as the respondents 4 and 5 to file an appropriate memo before the Chief Judicial Magistrate, Nalgonda for transferring the respective amounts to the concerned executing courts for satisfying the decrees. After transferring the amounts as per the annexure, if any amount is left remained, the writ

petitioners and the impleaded writ petitioners have no objection to release the said amount to respondents 4 and 5.

Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 16.4.2015

NB:

CC of order be furnished by 20th April, 2015

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