

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

FRIDAY, THE FIFTH DAY OF JUNE

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CIVIL REVISION PETITION No.1619 of 2015

BETWEEN

Vishalandra Telugu Daily Newspaper.

... PETITIONER

AND

K. Sreeramulu.

...RESPONDENT

Counsel for the Petitioner: MR. BOMMAGANI PRABHAKAR

Counsel for the Respondent: MR. P. JAGADISH CHANDRA PRASAD

The Court made the following:

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ORDER:

This revision is preferred by the petitioner in I.A.No.346 of 2014 in A.S.No.8 of 2014. The said appeal is directed against the judgment and decree in O.S.No.122 of 2007 on the file of the Senior Civil Judge, Madanapalle. The aforesaid suit was instituted by the respondent herein for defamation and after trial, the said suit was decreed. Thereafter, the respondent herein filed EP.No.124 of 2013 for recovery of the decretal amount. Petitioner herein filed an appeal, A.S.No.8 of 2014 against the said decree and by I.A.No.346 of 2014 sought interim stay of all further proceedings in the EP pending before the Additional Senior Civil Judge, Tirupati in EP.No.124 of 2013.

The aforesaid petition before the lower appellate Court was, however, dismissed on finding that the decretal amount was already attached in the said EP from the Indian Bank, Tirupati where it was lying and the appellant was not allowed to withdraw the said amount. Aggrieved by the dismissal of the said petition, this revision is filed.

2. On 01.05.2015, while issuing notice before admission, this Court directed the EP proceedings to go on but the respondent/decreed holder was not permitted to withdraw the said sum of Rs.4,48,150/-, which is lying in the Indian Bank.

3. Mr. P. Jagadish Chandra Prasad, learned counsel, appears for the respondent/decreed holder.

4. After hearing the learned counsel on either side, it is evident that the decretal amount is now secured and lying in the Indian Bank, Tirupati. In that view of the matter, therefore, hardly anything survives in the EP except returning the said amount to the party successful in the appeal. In the circumstances, in my view, it is just and appropriate to continue the said amount with the Indian Bank as existing, as on today, pending consideration of A.S.No.8 of 2014.

The civil revision petition is, therefore, disposed of directing the learned II Additional

District Judge, Madanapalle to hear and decide the said appeal, A.S.No.8 of 2014, expeditiously, preferably before 31.12.2015.. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 5, 2015

DSK