

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.1563 of 2015

ORDER:

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

2. The petitioner herein is first defendant in O.S.No.50 of 2012 on the file of the Court of IV Senior Civil Judge, City Civil Court, Hyderabad (for short, trial Court). The first respondent herein filed the said suit for recovery of amount from the petitioner and respondents 2 to 6 herein. A decree was passed on 02.06.2014 for an amount of Rs.2,86,426/-. After passing the decree, the petitioner herein filed I.A.No.655 of 2014 seeking permission of the trial Court to pay the decretal amount in instalments @ Rs.10,000/- per month. The trial Court dismissed the said application, by order dated 01.12.2014, holding that if any instalment is to be granted, it can be done only with the consent of the decree holder and the decree holder did not agree for payment in instalments @ Rs.10,000/- per month.

3. When the present CRP is taken up for consideration, it was put to both the counsel and they could not come to an understanding. However, in the interest of justice, the petitioner is directed to pay an amount of Rs.75,000/- in lumpsum on or before 31.01.2016 to the decree holder and obtain a receipt and pay the balance amount in monthly instalment at Rs.20,000/- per month on or before 6th of each month in advance. It is needless to observe that the balance amount is for liquidating the entire decretal amount and the accrued interest till the last instalment. If the petitioner commits default in payment of Rs.75,000/- or any two instalments, it is open to the first respondent to take necessary steps for recovery of the entire balance amount.

4. Accordingly, the Civil Revision Petition is disposed of. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 07.01.2016
TJMR