

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.R.P.No.4985 of 2016

ORDER:

This is a revision filed under Article 227 of the Constitution of India for a direction to the learned Senior Civil Judge, Dharmavaram, to send for an amount of Rs.12,79,000/- from the Branch Manager, State Bank of Hyderabad, Dharmavaram to the credit of E.P.No.12 of 2013 in O.S.No.68 of 2010.

2. Heard Sri S.V.Muni Reddy, learned counsel for the petitioner and perused the material available before the Court.

3. The petitioner herein instituted a suit for recovery of money on the foot of a mortgage. Preliminary decree was passed on 30.8.2010, followed by final decree on 31.1.2013. Thereafter, petitioner herein filed E.P.No.12 of 2013 for recovery of Rs.11,66,592/- by way of attachment and sale of mortgaged property. In the said E.P., petitioner herein filed E.A.No.216 of 2015 under Section 151 of CPC, praying the Court below to send for attached amount of Rs.11,92,432/- from the Branch Manager, State Bank of Hyderabad, Dharmavaram to the credit of E.P. It is also evident from the material available before this Court that the Court of Senior Civil Judge, Dharmavaram addressed a letter dated 11.12.2015, asking the Branch Manager, State Bank of Hyderabad, Dharmavaram to send for an amount of Rs.11,92,432/- to the credit of E.P.No.12 of 2013. In the said E.P., the 2nd respondent-Garnishee filed a counter, furnishing the particulars of various Execution Petitions and eventually prayed the Court below to decide the matter. Thereafter, petitioner filed E.A.No.79 of 2016 for a direction to the Garnishee-2nd respondent to furnish the exact amount with accrued interest on Rs.12,79,000/- upto 30.6.2016. The Bank also furnished information. During the course of arguments, it is requested by

the learned counsel for the petitioner that the Court below may be directed to dispose of E.P.No.12 of 2013 for having a finality on the issue.

4. Having regard to the submission made by the learned counsel for the petitioner and taking into account the information available before this Court, this Court deems it appropriate to dispose of the present Revision, by asking the learned Senior Civil Judge, Dharmavaram to dispose of E.P.No.12 of 2013 in accordance with law, by fixing some time frame.

5. For the aforesaid reasons, the C.R.P. is disposed of, directing the learned Senior Civil Judge, Dharmavaram to dispose of E.P.No.12 of 2013 in O.S.No.68 of 2010 in accordance with law, within a period of four months from the date of receipt of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 16.12.2016
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A.V.SESHA SAI, J

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16.12.2016

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