

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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CIVIL REVISION PETITION No.123 of 2015

ORDER:

The petitioner is the decree holder pursuant to the decree passed in O.S.No.2162 of 2011 by the learned I Senior Civil Judge, City Civil Court, Hyderabad. The decree was passed on 17.03.2005 and it has become final. Earlier the petitioner filed three Execution Petitions viz., E.P.No.83 of 2005, E.P.No.172 of 2006 and E.P.No.171 of 2006, which were closed on 17.08.2006, 13.08.2007 and 23.12.2008 respectively. Again, E.P.No.152 of 2011 was filed for recovery of balance of amount.

2. The fifth defendant is a Member in the petitioner company in a chit bearing No.LT030BC/43 at Chikkadapally Branch. He was declared as successful bidder on 21.09.2003 at the end of the chit and is entitled to an amount of Rs.2,27,490.20 ps. after deducting the commission. But, the said amount was not paid to him and was adjusted to the credit of E.P No.152 of 2011 on 08.04.2006. In E.P No.152 of 2011 the 5th defendant is only a guarantor.

3. Now the point for consideration is whether the 5th defendant is entitled to interest on the withheld amount of Rs.2,27,490.20 ps. by the petitioner in respect of his prized chit amount.

4. Admittedly, the said amount was withheld and was not paid to the 5th defendant till 08.04.2006. The difference of non-payment of amount under the present Execution Petition arose due to non-credit of the interest of the said amount in respect of E.P No.152 of 2011. The lower Court has taken into consideration the said aspect of the matter and dismissed the E.P by taking into account the payments made earlier by the Judgment Debtors and non-credit of the amount of Rs.2,27,490.20 ps from 21.09.2003 to 08.04.2006. In view of the same,

this Court sees no ground to interfere with the order passed by the Executing Court in dismissing the E.P.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

A. RAMALINGESWARA RAO, J

JANUARY 22, 2016
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Date: 22.01.2016

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