

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SMT JUSTICE ANIS**

CIVIL MISCELLANEOUS APPEAL No.778 OF 2016

J U D G M E N T

(Per Hon'ble Sri Justice Sanjay Kumar)

This appeal under Order 43 Rules 1 and 2 CPC arises out of the order dated 31.08.2016 passed by the learned IV Additional District Judge, Visakhapatnam, in I.A.No.347 of 2016 in O.S.No.133 of 2016. By the said order, the trial Court injuncted the defendants from alienating the petition schedule property to third parties till the disposal of the suit. Aggrieved thereby, the defendants are before this Court.

Sri R. Raghunandan, learned senior counsel appearing for the appellants/defendants, would state that the petition schedule property was mortgaged with the Andhra Bank and there is a possibility of settling its dues through a One Time Settlement, whereby the liability of the appellants/defendants would be cut down to a large extent and it would benefit the respondent/plaintiff also.

Sri Challa Gunaranjan, learned counsel appearing for the respondent/plaintiff, would however state that the sum due to his client from the appellants/defendants is in the range of Rs.99,00,0000/- and therefore the appellants/defendants should prove their *bona fides* by discharging at least a substantial part of their dues.

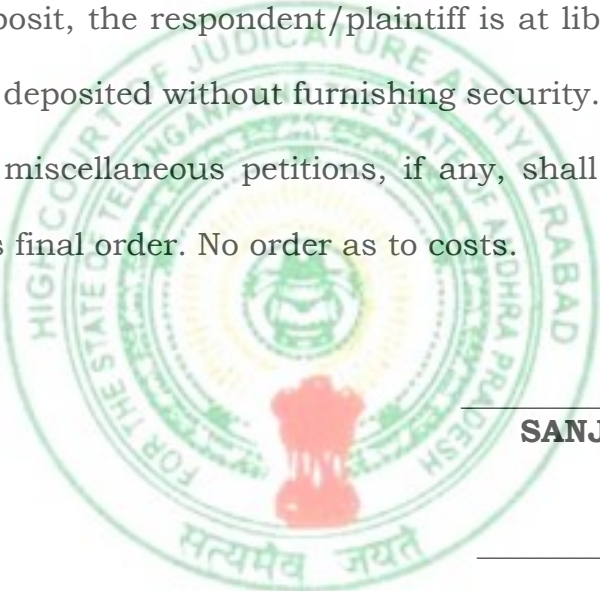
It is now stated before this Court by Sri R. Raghunandan, learned senior counsel, that his clients are willing to deposit a sum of Rs.18,00,000/- to the credit of the suit within reasonable time and that subject to such deposit, they may be permitted to alienate the

petition schedule property so as to avail the benefit of the One Time Settlement offered by the Andhra Bank.

Sri Challa Gunarajan, learned counsel for the respondent/plaintiff, states that his client is agreeable to this course of action.

The Civil Miscellaneous Appeal is accordingly allowed setting aside the order under appeal subject to deposit of Rs.18,00,000/- (Rupees Eighteen Lakhs only) to the credit of O.S.No.133 of 2016 on the file of the learned IV Additional District Judge, Visakhapatnam, within three weeks from the date of receipt of a copy of this order. Upon such deposit, the respondent/plaintiff is at liberty to withdraw the amount so deposited without furnishing security.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

ANIS, J

9th NOVEMBER, 2016
PGS