

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CIVIL REVISION PETITION No.6008 OF 2010
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ORDER:

The present Civil Revision Petition is filed challenging the docket order dated 20.12.2010, passed by the learned Senior Civil Judge at Jagtial, stating that there is no provision for granting instalments at the stage of execution refusing permission to pay the Execution Petition amount in instalments.

2. Learned counsel for the petitioner submits that the petitioner may be granted three months time to pay the entire E.P., amount.

3. A perusal of the material on record would show that earlier, trial Court passed an order for attachment of immovable property on 20.08.2009. Aggrieved by the said order, the petitioner preferred revision before this Court vide C.R.P.No.5250 of 2009. By an order dated 11.11.2009 this Court granted interim stay of all further proceedings in the E.P.No.9 of 2006 on a condition the petitioner deposits half of the decretal amount within a period of eight weeks from the date of the said order. Initially, this Court granted stay for a period of four weeks, which has been extended from time to time. In pursuance of the said order, the judgment debtor is said to have paid half of the decretal amount to the decree holder's counsel at Hyderabad by way of Demand Draft. Subsequently, C.R.P., was disposed of. On 10.12.2010, the trial Court ordered attachment of schedule properties. Learned counsel for the petitioner filed E.A.No.40 of 2010 in E.P.No.9 of 2006 on the file of Senior Civil Judge, Jagtial, seeking instalments @ Rs.5,000/- per month to satisfy the E.P., amount which was dismissed. Aggrieved by the same, the present revision is filed.

4. On 27.12.2010 this Court granted interim stay subject to condition of the petitioner depositing half of the decretal amount duly giving credit to the amount already deposited, within a period of six (06) weeks from the date of order.

5. Learned counsel for the petitioner submits that the interim order, which was granted on 27.12.2010 has not been complied, but represents that half of the decretal amount has already been deposited by the petitioner. That does not appear to be purport of the order passed by this court. Since half of the decretal amount had been paid in the earlier round of litigation, this Court directed to pay the half of the remaining amount after giving credit to the amount already deposited within six (06) weeks. It appears that the said order has not been complied with till date.

6. It is to be noted that the interim order granting stay was passed in the year 2010, but till date the balance amount is not paid. Having regard to the circumstances stated above, I see no ground to interfere with the order passed by the Court below.

7. Accordingly, the Civil Revision Petition is dismissed. Consequently, Miscellaneous Petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:22.04.2016
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