

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**CIVIL REVISION PETITION No.1678 OF 2011**

**ORDER:**

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This Revision is filed against the order dated 14-03-2011 in E.P.No.4 of 2003 in OP.No.138 of 1988, wherein the trial Court permitted the decree-holder to recover an amount of Rs.54,148/- from the petitioner herein, who is the judgment debtor before the trial Court.

Learned counsel for the petitioner submits when the Executing Court passed an erroneous order in the same EP on 06-11-2003 without deducting the amount paid towards no fault liability, interest was calculated and granted total amount of Rs.65,000/-, this Court has set aside that order in CRP.No.304 of 2004 and remanded the matter to decide afresh. But without considering the order passed by this Court, the trial Court below passed the impugned order.

Heard learned counsel for the petitioner.

Though notice is ordered and served to the respondent, there is no representation.

This Court also granted stay on 27-04-2011.

A perusal of the order of this Court in above CRP goes to show that the matter was remanded to the trial Court for passing orders afresh after giving opportunity to the decree-holder. The impugned order does not reflect the same and the contention of petitioner that an amount of Rs.25,000/- was deposited towards no fault liability and interest on said amount already deposited cannot be calculated from the date of petition till realization. It is unfortunate that though this Court passed the order, the trial Court without considering the same and without application of mind, passed the impugned order.

In view of the above, impugned order is set aside. The trial Court is directed to dispose of E.P. in terms of order passed by this Court on 17-10-2006 in CRP.No.304 of 2004. Accordingly, the CRP is allowed.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY,J**

08-02-2016  
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