

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.2694 OF 2016

DATED:17-06-2016

Between:

Singuru Satyanarayana ... Petitioner

And

Sayyapureddi Appa Rao
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Suresh Kumar Reddy
Kalava

COUNSEL FOR THE RESPONDENTS: -

THE COURT MADE THE FOLLOWING:

ORDER:

-

This civil revision petition arises out of order dt.16.12.2015 in E.P. No.38 of 2015 in O.S. No.1387 of 2012, on the file of VII Additional Senior Civil Judge, Visakhapatnam.

Respondent No.1 filed the suit for recovery of the money from the petitioner. After filing of the suit, efforts were made by both the parties to arrive at a mutually agreeable settlement. Accordingly, the parties have approached the Lok Adalat, Visakhapatnam, by filing L.S.A. No.1920 of 2014. An Award therein was passed on 24.12.2014 containing reciprocal obligations by both the parties. As the petitioner failed to honour his obligations, respondent No.1 has filed E.P. No.38 of 2015 under Order XXI Rule 48 of the Code of Civil Procedure, 1908 (CPC) before the trial Court, seeking attachment of salary of the petitioner. By order dt.16.12.2015 the trial Court, has allowed the application.

A perusal of the Lok Adalat Award shows that the petitioner has agreed to pay a sum of Rs.4,20,000/- towards full satisfaction of the suit claim. However, the petitioner could pay only Rs.1,25,000/- on 21.12.2014 and agreed to pay the balance amount of Rs.2,95,000/- within three months. The petitioner failed to pay the balance amount and as agreed under Clause 3 of the Award, in such event, he shall pay Rs.6,14,133/- with interest at 12% per annum.

As rightly pointed out by the trial Court the obligation on the part of respondent No.1 for withdrawal of C.C. No.108 of 2013 on the file of IV Additional Chief Metropolitan Magistrate, Visakhapatnam, arises only in the event the petitioner honours Clause 3 of the Award, i.e., payment of balance amount of Rs.2,95,000/- within three months and that as the petitioner failed to pay the said amount, respondent No.1

cannot be blamed for not withdrawing the criminal case. In these facts of the case, the trial Court has rightly allowed the E.P., as the Lok Adalat Award has fallen through on account of the default in discharging the obligation of the petitioner in full.

For the above mentioned reasons, I do not find any merit in this civil revision petition and the same is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.3423 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

17-06-2016

bnr