

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P. No.5105 of 2017

ORDER:

Aggrieved by the order dated 09.08.2017 in E.P.No.203 of 2016 in O.S.No.1240 of 2013 passed by learned VII Additional District Judge, Mahabubnagar, ordering attachment of the schedule properties to bring the same for sale for realization of the decretal amount passed in O.S.No.1240 of 2013, the 1st JDR preferred the instant CRP.

2) Heard arguments of Sri Rajagopallavan Tayi, learned counsel for petitioner/1st JDR and Sri M.Atish, learned counsel for 1st respondent/DHR.

3) Learned counsel for petitioner would submit that 1st JDR is hard pressed for money and in case time is granted, he would be in a position to clear the entire EP amount instalment wise. Agreeing the same, learned counsel for 1st respondent/DHR gave an option that half of the EP amount may be deposited by the petitioner/1st JDR within six weeks from today and the balance half amount within eight weeks thereafter and if the entire EP amount is deposited in two spells, he will have no objection to stay the EP proceedings. Learned counsel for petitioner/1st JDR agreed for the same and both the parties requested the Court to pass an order accordingly.

4) In view of the above submission, the following order is passed.

5) The petitioner/1st JDR is permitted to deposit half of the EP amount within six (6) weeks from today and balance half amount within eight (8) weeks thereafter failing which, the DHR will be at liberty to proceed with the E.P. Till the entire EP amount is deposited, the attachment ordered by the execution court will continue. However, on deposit of the entire EP amount, the execution court shall pass necessary orders terminating the EP on full satisfaction and raise the attachment. It is made clear that on deposit of the amounts, as mentioned supra, the DHR is at liberty to withdraw the same.

6) The CRP is disposed of accordingly. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 18.12.2017

Note: 1. Issue CC in two days.

2. Mark copy of this order to the execution court also.

(b/o)
Murthy

U. DURGA PRASAD RAO, J