

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.1003 of 2016

ORDER:

This civil revision petition is filed under Section 115 of CPC challenging the order dated 10.12.2015 in E.P. No.106 of 2014 in O.S. No.22 of 2005 on the file of the Court of Principal Senior Civil Judge, Srikakulam.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that the respondent herein filed O.S. No.22 of 2005 on the file of the Court of Senior Civil Judge, Sompeta against the petitioner herein for recovery of the suit amount. After fullfledged trial, the trial court decreed the suit for Rs.2,41,609/-. The respondent filed E.P. No.106 of 2014 in O.S. No.22 of 2005 under Order XXI Rules 43, 64 and 66 of CPC for attachment of the E.P. Schedule Property and the same was allowed on 10.12.2015.

4. Feeling aggrieved by the order dated 10.12.2015 in E.P. No.106 of 2014 in O.S. No.22 of 2005; the petitioner filed the present revision petition. This Court granted interim stay on 24.2.2016 on a condition of petitioner depositing half of the E.P. amount to the credit of E.P. No.106 of 2014.

5. At the time of hearing, learned counsel for the petitioner submitted that the petitioner has complied with the order of this court. The respondent filed CRP MP No.703 of 2017 to vacate the interim order and to permit the petitioner to withdraw the deposited amount. The learned counsel for the petitioner

submitted that two months' time may be granted to the petitioner to deposit the balance amount of Rs.1,20,609/-. The learned counsel for the respondent also agreed for the same.

6. In view of the submissions made by the learned counsel for both the parties, this court is not inclined to express any opinion touching the merits of the main civil revision petition.

7. Having regard to the facts and circumstances of the case, the respondent is permitted to withdraw the deposited amount without furnishing security. The petitioner is hereby directed to deposit the balance amount of Rs.1,20,609/- to the credit of E.P. No.106 of 2014 in O.S. No.22 of 2005 on or before 06.4.2017. On such deposit, the respondent is permitted to withdraw the same. If the petitioner fails to deposit the balance amount on or before 06.4.2017, the respondent is at liberty to take appropriate steps in accordance with law.

8. With the above direction, the civil revision petition is disposed of. Miscellaneous petitions, if any pending in this revision petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 07.2.2017.

NOTE:

Dispatch order copy in one week.

(By order)

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