

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.807 OF 2015

ORDER:

This Civil Revision Petition, under Section 115 of Code of Civil Procedure, 1908 (for short, 'C.P.C'), is filed challenging the order, dated 19.01.2015, in E.P.No.10 of 2014 in O.S.No.482 of 2010, passed by the Additional Senior Civil Judge, Tirupati, wherein the petitioner/respondent/JDR was directed to pay the E.P. amount.

During hearing, learned counsel for the petitioner Sri Ch. Venkat Raman brought to the notice of this Court that as the wife of the petitioner is suffering from cancer disease, the petitioner has agreed to pay the balance amount in six instalments.

However, Sri T. Lakshminarayana, learned counsel for the respondent opposed payment of amount in six instalments, since this Court cannot convert the decree into instalments. But, in view of the difficulty expressed by the petitioner, learned counsel agreed for payment of amount in four equal instalments.

Decree was for an amount of Rs.2,16,360/- together with subsequent interest. However, on 06.03.2015 this Court granted interim stay of arrest of the petitioner on condition that the petitioner deposits 50% of the E.P. amount within four weeks from 06.03.2015 before the Court below. This Court also specified that failure to deposit the said amount before the Court below within

four weeks, would result in automatic vacation of the interim order and the respondent-decree holder may proceed with the E.P.

Taking into consideration of the difficulty expressed by the petitioner for payment of balance amount in six instalments, the petitioner is permitted to pay the balance amount in four equal monthly instalments together with interests, commencing from 01.07.2017 together with interest, as per the decree. In the event of failure to pay any two instalments, consecutively, DHR is entitled to proceed with execution to release the debt, the decree holder is permitted to withdraw the amount lying to the credit of the E.P.No.10 of 2014.

With the above direction, the civil revision petition is disposed of, with the consent of both parties.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:13.06.2017

SP