

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT JUSTICE T. RAJANI

+ CIVIL REVISION PETITION No.3357 of 2009

% Date: 10-08-2017

Between:

Sri Kalla Jagadeesh Babu, S/o. Kolla Apparao,
R/o. D.No.759, Type II, Block 86, Port Quarters,
Visakhapatnam.

... Petitioners/J.Dr.1

And

1. M/s. Shriram Investments Ltd., (now know as Shriram Transport Finance Co. Ltd.,) Gajuwaka Branch Visakhapatnam, rep. by its G.P.A. and Branch Manager.
2. Sri Kalla apparao S/o. Dali, R/o. D.No.759, Type II, Block 86, Port Quarters, Visakhapatnam.

... Respondents

! Counsel for the Petitioner : Mr. N. Anjana Devi

^ Counsel for the Respondents : Mr. Maheswara Rao Kuncham

< GI ST:

> HEAD NOTE:

? Cases referred

HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN

And

HON'BLE SMT JUSTICE T. RAJANI

CIVIL REVISION PETITION No.3357 of 2009

ORDER: (Per VRS,J)

This revision petition arises out of a conditional order passed by the Executing Court for granting stay of execution.

2. Heard the learned counsel for the respondent.

3. The 1st respondent in this revision secured an Arbitration Award. When the Award was put into execution, the Award Debtor filed an application for stay of the order of arrest. It was allowed by the Executing Court by a cryptic order directing the deposit of half of the decree amount. Aggrieved by the said order, the Award Debtor is before this Court.

4. Obviously, what the petitioner wanted was the stay of an order of arrest. Therefore, the Executing Court ought to have conducted some enquiry and given some reasons for imposing the condition. But the Executing Court passed a one line order, which reads as follows:

“On deposit of ½ of the decree amount the warrant will be in abeyance.”

5. The order, bereft of reasons, does not confirm to the requirements of law. Therefore, the civil revision petition is allowed and the impugned order is set aside. However, since the award is of the year 2004 and the E.P. is of the year 2007, the Executing Court is directed to dispose of the execution petition within a period of two months.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

V.RAMASUBRAMANIAN, J.

T. RAJANI, J.

10th August, 2017.
Js.

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT JUSTICE T. RAJANI

C.R.P.No.3357 of 2009

(Per VRS,J)



10th August, 2017

Js.