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

CIVIL REVISION PETITION No.1376 of 2017

24.03.2017

Between:

Etamsetty Mathayyamma

..Petitioner

and

State Bank of India, Narsipatnam and others

..Respondents

Counsel for the petitioner: Mr.M.Ram Mohan

Counsel for the respondents: --

The Court made the following:

ORDER:

This civil revision petition arises out of order, dated 18.11.2016, in E.P.No.68 of 2016 in O.S.No.206 of 2011 on the file of the Senior Civil Judge, Narsipatnam, whereby the Court below has allowed the said E.P. permitting respondent No.1 – decree holder to attach and sell the property belonging to the petitioner.

2. I have heard Mr.M.Ram Mohan, learned counsel for the petitioner, and perused the record.

3. Respondent No.1 filed the aforementioned suit for recovery of loan advanced by it for the education of respondent No.2, who is the son of the petitioner and respondent No.3 as the said loan amount was not repaid. By judgment, dated 05.12.2012, the trial Court decreed the suit against the petitioner and respondent Nos.2 and 3 for a sum of Rs.3,19,733/-. As the liability under the decree was not discharged by the judgment debtors including the petitioner, respondent No.1 filed E.P.No.68 of 2016 for attachment and sale of the property standing in the name of the petitioner. The only objection raised by the petitioner in the said E.P. was that the then Minister for Finance announced an interest subsidy, following which respondent No.1 issued Circular No.PB/PL/53, dated 04.03.2014, as per which, the judgment debtors are entitled to interest subsidy from the date of sanction of the loan i.e., from 15.03.2005 till 31.12.2013 and that a sum of Rs.55,000/- paid by them needs to be deducted from out of the principal amount and the balance sum of Rs.1,67,000/- only is liable to be paid by the petitioner and other judgment debtors. The Court below has rendered a finding that the plea of the petitioner that they paid Rs.55,000/- to respondent No.1 on various

dates is not supported by any evidence. Similarly, the Court below has held that the loan sanctioned and paid by respondent No.1 being an education loan, the petitioner was not able to show that interest subsidy was made available on such loans also. As the petitioner failed to produce any evidence to show that interest subsidy was applicable to the education loans, the Court below has rightly allowed the E.P.

4. In the light of the above facts and circumstances of the case, I do not find any error in the order of the Court below.

5. The Civil Revision Petition is, accordingly, dismissed.

6. As a sequel to dismissal of the C.R.P., C.R.P.M.P.No.1822 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

24th March, 2017
GHN