

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

CONTEMPT CASE No.1448 of 2017

08.09.2017

Between:

Mr.Kakuturu Murali Krishna Reddy

..Petitioner

and

Cherlo Ram Mohan Reddy

..Respondent

Counsel for the petitioner: Mr.T.Lakshminarayana

Counsel for the respondent: --

The Court made the following:



ORDER:

This contempt case is filed alleging willful disobedience of order, dated 20.06.2014, in A.S.M.P.Nos.1091 and 1092 of 2014 in A.S.M.P.No.911 of 2014 in A.S.No.215 of 2014.

2. The respondent filed the aforementioned appeal against the judgment and decree of the Court below in the suit filed for specific performance of an agreement of sale. By order, dated 08.05.2014, in A.S.M.P.No.911 of 2014 in A.S.No.215 of 2014, this Court granted interim stay of execution of the judgment and decree of the Court below. The petitioner, who is the decree-holder, filed A.S.M.P.No.1091 of 2014 seeking vacation of the said interim order. He also filed A.S.M.P.No.1092 of 2014 for permission to withdraw the balance sale consideration, with liberty to deposit the same subject to the result of the appeal. By order, dated 20.06.2014, this Court has made the interim stay absolute subject to the respondent depositing the costs awarded by the Court below to the credit of the suit within two months and on such deposit, the petitioner is permitted to withdraw the same, without furnishing any security. Alleging that the respondent has not deposited the costs as directed by this Court, this Contempt Case is filed.

3. In our opinion, this Contempt Case is wholly misconceived. The consequence of non-deposit of costs as per the direction of this Court would be that the respondent would be exposed to the risk of recalling of order, dated 20.06.2014, making the interim order absolute at the instance of the petitioner. Invariably, in civil cases, where the conditional interim orders are not complied with, the Court vacates the interim orders and dismisses the interlocutory applications for non-compliance with the

conditions subject to which such interim orders are granted. This case can be treated as no exception to this general rule.

4. In the above view of the matter, the Contempt Case is dismissed, however, with liberty to the petitioner to seek dismissal of A.S.M.P.No.911 of 2014 for non-compliance with the aforementioned conditional order passed therein.

C.V.NAGARJUNA REDDY, J

08th September, 2017

GHN

