

HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

C.R.P.M.P.No.1526 of 2011

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C.R.P.No.1628 of 2007

ORDER:

The C.R.P. was disposed of by this court by its order dated 13-6-2008.

This court directed the petitioner in the C.R.P. to deposit a sum of Rs.10,00,000/- (Rupees ten lakhs only) to the credit of the suit O.S.No.347 of 1995 in the lower court. Initially, it appears from the record that the amount was wrongly deposited in the suit O.S.No.374 of 1995 and not in O.S.No.347 of 1995. Therefore, the respondent in the C.R.P. filed a petition to review the orders passed in C.R.P.No.1628 of 2007 by filing C.M.P.No.1526 of 2016 in time. In that affidavit, the petitioner made a submission that there is no deposit to the credit of this court as stated.

Learned counsel for the respondent in the review petition submitted that an error was committed and amount was wrongly deposited in O.S.No.374 of 1995 instead of O.S.No.347 of 1995. Therefore, he stated that after releasing the mistake, steps were taken and amount was deposited to the credit of the correct suit O.S.No.347 of 1995. Therefore, he submitted that the condition imposed by this court on 13-6-2008 in C.R.P.No.1628 of 2007 is complied with.

This court also called for a report vide letter dated 28-7-2017 from the II Additional Senior Civil Judge, Visakhapatnam

and the said II Additional Senior Civil Judge, Visakhapatnam, confirmed the deposit. The learned counsel for the respondent in the review also stated that his client has already confirmed the deposit and he submitted that deposit was made in the suit O.S.No.347 of 1995 only. Therefore, the condition imposed by this court has been fulfilled and both counsel confirmed that the deposit is now made in the correct suit only.

Hence, this C.R.P.M.P.No.1526 of 2010 filed for review of the orders dated 13-6-2008 does not survive and therefore, the same is closed.

As the amount has been deposited, the petitioner in C.R.P.M.P.No.1526 of 2010 is permitted to withdraw the amount of Rs.10,00,000/- (Rupees ten lakhs only) lying to the credit of O.S.No.347 of 1995. The learned counsel for the respondent has no objection for the same.

The lower court is also directed to proceed with the execution application pending since the suit is of the year 1995.

With this observation, this Civil Revision Petition is closed.
No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE D.V.S.S.SOMAYAJULU

Dated 1-2-2018.

Dvs

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Dated 1-2-2018.

Dvs