

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CRP.No.177 of 2014

ORDER :

This revision is filed questioning the judgment and decree dated 19.12.2013 passed in EP.No.588 of 2013 in AA/CF/No.42 of 2013 by the Principal Senior Civil Judge, Warangal.

The decree holder is trying to execute an award dated 04.09.2013. The Executing Court in E.P.No.588 of 2013 passed an order attaching the movables of Judgment Debtors 1 and 2. Questioning the same, the present revision is filed.

This Court has heard Sri C.Damodar Reddy, learned counsel for the petitioner and Sri P.Vishnu Vardhana Reddy, learned counsel for the respondent.

The only ground urged by the learned counsel for the revision petitioner is that the petitioner is willing to satisfy the decree by paying the amount in installments. No other ground has been really urged or argued. Learned counsel only wants some sympathy to be shown as the petitioner is in financial distress.

Learned counsel for the respondent on the other hand submits that the decree did not grant installments and the Executing Court cannot also grant installments. It is his further submission that in a revision filed against execution

order, installments cannot be granted. Therefore, he prays an order on merits. In addition, he submits that the amount deposited by the revision petitioner in this Court should be permitted to be withdrawn.

This Court after hearing both the learned counsels is of the opinion that granting of installments at this stage is not permissible legally. The decree did not grant installments. The decree was passed in the year 2013 and till date, the decree holder has not been able to realize the fruits of the decree. The decree is also final. Therefore, this Court is of the opinion that granting installments at this stage would amount to going beyond the decree, which is not possible for an Executing Court.

Therefore, the civil revision petition is dismissed. A certain amount has been deposited pursuant to the order of this Court in CRP.MP.No.858 of 2014. The decree holder/respondent is permitted to withdraw the same without furnishing any security. No order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

D.V.S.S.SOMAYAJULU, J

Date: 14.12.2018
KLP