

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.5650 of 2016

ORDER:

1 This Civil Revision Petition is filed under Section 115 of CPC assailing the order dated 14.06.2016 passed in E.P.No.48 of 2013 in O.S.No.1707 of 2008 on the file of the Court of the I Additional Senior Civil Judge, Visakhapatnam.

2 Heard the learned counsel for both the parties.

3 A perusal of the record reveals that the respondent filed O.S.No.1707 of 2008 on the file of the Court of the I Additional Senior Civil Judge, Visakhapatnam against the petitioner for recovery of the suit amount. The trial court granted *ex parte* decree in favour of the respondent. The respondent filed E.P.No.48 of 2013 for sale of the immovable property. The trial court passed the following order:

“In the result, the objection raised by the D.Hr is overruled and the attachment of E.P. schedule property is made absolute. E.P. Schedule property is ordered to be sold for realisation of E.P. amount due under the decree dt:03.07.2009. Hence, issue sale notice to the J.Dr. Meanwhile D.Hr shall file sale papers, encumbrance certificate and tax due certificate.”

4 Feeling aggrieved by the orders of the executing court, the present Civil Revision Petition is filed.

5 The learned counsel for the petitioner submitted that some more time may be granted to the petitioner to pay the E.P. amount. The learned counsel for the respondent also agreed for granting of reasonable time.

6 As per the orders of this Court dated 18.11.2016, the petitioner deposited 50% of the E.P. amount. Taking into consideration the facts and circumstances of the case, the petitioner is permitted to

deposit the balance E.P. amount on or before 30.11.2018. The respondent is permitted to withdraw the amount deposited by the petitioner to the credit of the E.P.No.48 of 2013 in O.S.No.1707 of 2008 without furnishing any security.

7 Accordingly, the Civil Revision Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions if any pending in this Civil Revision Petition shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 31.07.2018

Kvsn

