

THE HON'BLE JUSTICE SRI T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.4220 of 2016

ORDER:

1 This Civil Revision Petition is filed under Section 115 of CPC assailing the order dated 27.06.2016 passed in E.A.No.5 of 2016 in E.P.No.9 of 2015 in O.S.No.279 of 2012 on the file of the Court of the VII Additional District Judge, Gudur, SPSR Nellore district.

2 Heard the learned counsel for both the parties.

3 A perusal of the record reveals that the respondent filed O.S.No.279 of 2012 on the file of the Court of the VI Additional District Judge, Gudur, SPSR Nellore district against the petitioner for recovery of the suit amount. The suit was decreed in favour of the respondent and against the petitioner. The respondent filed E.P.No.9 of 2015 for realisation of the decretal amount. When the executing Court posted the matter for sale of the attached property, the petitioner filed E.A.No.5 of 2016 to set aside the ex parte order in the E.P. The executing Court dismissed the said E.A. Hence the present Civil Revision Petition.

4 At the time of arguments, the learned counsel for the petitioner submitted that the petitioner is ready to pay the decretal amount in installments. The learned counsel for the respondent also agreed to grant some time to the petitioner for payment of the decretal amount. In view of the settlement arrived at between the parties, this court is not inclined to go into the merits of the main case.

5 Having regard to the facts and circumstances of the case, the petitioner is directed to deposit an amount of Rs.10.00 lakhs to the credit of the E.P.No.9 of 2015 on or before 28.08.2018. The

petitioner is further directed to deposit 50% of the balance amount on or before 28.10.2018 and the remaining amount on or before 28.12.2018. On such deposit, the respondent is permitted to withdraw the amount. It is made clear that no further extension will be entertained. If the petitioner fails to deposit any one of the installments, the executing court is directed to proceed with the matter from the stage where the execution proceedings are stalled.

6 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.

Date: 30.07.2018
Kvsn

T. SUNIL CHOWDARY, J.

