

**THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

**CIVIL REVISION PETITION No.1358 OF 2010**

**ORDER:**

Heard Sri Subbarao Korrapati, learned counsel for the petitioners, and Sri S.M. Subhani, learned counsel for respondent No.1.

In fact, for no reason, the present Civil Revision Petition has been pending on sundry issue.

Learned counsel for the petitioners would submit that when an application in I.A.No.16 of 2009 in O.S.No.130 of 2006 on the file of VII Additional District & Sessions Judge (Fast Track Court), Vijayawada, was moved by the petitioners - plaintiffs, who were then aged 14 and 6, respectively, through their mother as natural guardian and next friend, requesting to permit their mother to withdraw the interest amount on the Fixed Deposit for Rs.23,00,000/- deposited by virtue of compromise entered into in a partition suit, the Court below dismissed the I.A by impugned order dated 18.01.2010. Learned counsel would also submit that the amount was deposited to meet the educational expenses of the petitioners.

In fact, the Court below ought not to have rejected the I.A on the mere ground that the Banks are advancing educational loans. Be that as it may, petitioner No.1 has already attained majority and petitioner No.2 is yet to attain majority. Therefore, the order under challenge is liable to be set aside.

Hence, the Civil Revision Petition is allowed setting aside the order under challenge. Further, since petitioner No.1 has attained majority, he can approach the Court for appropriate relief by making an independent application even. If the need still exists, the guardian of minor petitioner is at liberty to file a fresh petition to seek similar relief.

Miscellaneous petitions, if any pending in the present revision, stand closed.

Dt: 25.06.2018  
v v

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**JUSTICE A.SHANKAR NARAYANA**

