

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.6552 OF 2012

ORDER:

The Judgment Debtors (J.Drs.) referring to payment made on 24.08.2010 contend that the amount claimed in the instant EP. is paid under one time settlement agreed by Decree Holder (D.Hr.). The revision petitioners therefore, pray for recording full satisfaction and closing EP. No.4 of 2000.

The case of D.Hr is that firstly there is no settlement arrived at between the D.Hr and the J.Drs. Secondly, the J.Drs cannot treat the payments unilaterally made as payments made under one time settlement allegedly arrived at between D.Hr and J.Drs. The mode of recording satisfaction of decree is covered by order XX1 Rule 2 of CPC.

The learned counsel for J.Drs having regard to inability of J.Drs to prima facie show that the payment made on 24.08.2010 is under a settlement, requests the Court to extend the interim order granted by this Court on 31.12.2012 by three more months and in the meantime, the petitioners/J.Drs will pay the balance EP. amount payable under the decree and the judgment in O.S.No.16 of 1996.

The learned counsel for D.Hr. Bank opposes the request for granting any concession to the revision petitioners.

I have perused the record and prima facie, I am of the view that no ground is made out for warranting interference against the impugned order of arrest issued against J.Drs/revision petitioners. The interim stay of all further proceedings was granted on

31.12.2012. The D.Hr./respondent Bank from the material on record, it appears, has not taken steps for vacating the interim order dated 31.12.2012. Therefore, to meet the ends of justice and to give quietus to the litigation, the interim stay granted on 31.12.2012 is extended by three more months from today subject to the revision petitioners depositing Rs.1,00,000/- (Rupees One Lakh only) within four weeks from today. The D.Hr files the calculation memo in the meantime and the outstanding amount is arrived at by giving due credit to the amounts paid by the J.Drs. The said amount is to be deposited into E.P. account or credit account by J.Drs before the expiry of three months granted by this Court. The J.Drs/petitioners, if commit default of any one of the conditions, without reference to Court, the stay extended up to three months is vacated. On the contrary, if the E.P. amount as directed above is paid/deposited, the J.Drs are given liberty to file memo with proof of payment for recording full satisfaction and closing the EP.

The C.R.P. is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:28.08.2018
 Note:
 C.C. in one week.
 B/o.
 Sp