

THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

CIVIL REVISION PETITION NO.4467 OF 2018

ORDER:

The petitioner-decree holder is aggrieved by the order dated 07.06.2018, passed in E.A.No.173 of 2018 in E.P.No.14 of 2014 in O.S.No.23 of 2001, passed by the I Additional Chief Judge, City Civil Court at Secunderabad, whereby, the learned Judge has not permitted the petitioner to withdraw the amount of Rs.25,00,000/- deposited with the Court below, ostensibly, on the ground that there is no order passed by this Court permitting the petitioner to withdraw the said amount. Hence, this petition before this Court.

On the other hand, the learned counsel for the respondents-judgment-debtors submits that the amount should not be permitted to be withdrawn as other litigation is pending between the parties. Further, the amount owned by the judgment-debtor to the decree holder is also in question. Therefore, the amount of Rs.25,00,000/- should be left with the learned Court below.

Admittedly, in C.C.C.A.No.385 of 2003, this Court had granted a conditional stay in favour of the judgment-debtor, provided he deposited a sum of Rs.25,00,000/-. Undoubtedly, the total amount due is Rs.45,00,000/-.

Considering the fact that Rs.25,00,000/- has been deposited under the directions of this Court, the petitioner is certainly entitled to withdraw the said amount.

If there is any dispute with regard to the amount owed by the judgment-debtor to the decree holder in other litigations, naturally the amount has to be assessed on the basis of the evidence produced by both the parties in the said litigations.

Therefore, the learned counsel for the judgment-debtor is not justified in pleading that the amount of Rs.25,00,000/-, deposited with the Court below, should not be permitted to be withdrawn by the petitioner.

For the reasons stated above, this petition is, hereby, allowed. The impugned order dated 07.06.2018 in E.A.No.173 of 2018 in E.P.No.14 of 2014 in O.S.No.23 of 2001 on the file of the I Additional Chief Judge, City Civil Court at Secunderabad is, hereby, set aside. The petitioner shall be free to withdraw the amount of Rs.25,00,000/- deposited with the Court below.

Miscellaneous petitions, if any, pending shall stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, J)

28th December 2018
RRB

