

**SMT JUSTICE T.RAJANI**

**CIVIL REVISION PETITION No.6190 OF 2018**

**ORDER:**

1. This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, is filed by the Petitioner/Plaintiff/Decree Holder, seeking to set-aside the order, dated 07.09.2018, passed in E.A. No.13 of 2018 in E.P. No.28 of 2015 in O.S. No.155 of 2009, by the learned Principal Senior Civil Judge, Srikakulam (for short, 'the trial Court'); by virtue of which, the trial Court dismissed the E.A. No.13 of 2018, filed by the petitioner, under Rules 230, 231, 233 and 235 of the Civil Rules of Practice, to issue an account payee cheque for Rs.1,38,000/- in his favour and to credit the same to his Account No.1837101006472 of Canara Bank, Srikakulam.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent.

3. Learned counsel for the petitioner submits that, this Court, while admitting the Second Appeal No.524 of 2013, which is preferred by the respondent herein, seeking to set-aside the decree and judgment, dated 18.03.2013, passed in A.S. No.98 of 2010 by the Principal District Judge, Srikakulam, passed an order in S.A.M.P. No.1357 of 2013 in S.A. No.524 of 2013, on 21.06.2013, directing that there shall be *interim* stay on condition of the petitioner/appellant depositing 50% of the decretal amount and costs within eight (8) weeks and the respondent, who is the petitioner herein, was permitted to withdraw the same without furnishing security.

4. The aforesaid *interim* order is, admittedly, prior to the date of passing of the impugned order.

5. Hence, considering the above, the Civil Revision Petition is allowed. Accordingly, the order, dated 07.09.2018, in E.A. No.13 of 2018 in E.P. No.28 of 2015 in O.S. No.155 of 2009, is set-aside and the Petitioner/Plaintiff/DHR is

permitted to withdraw 50% of the decretal amount, as directed in S.A.M.P. No.1357 of 2013 in S.A. No.524 of 2013. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

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**T. RAJANI, J**

Date: 29.11.2018.  
Dsh



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Date. 29.11.2018

**DSH**