THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.R.P.NO.6202 OF 2017

O R D E R

Assailing the order and decree dated 02.08.2017 passed by the court of Senior Civil Judge, Bhimavaram in E.P.No.93/2008 in O.S.No.116 of 2006, in allowing the execution petition filed by the decree holder under Order 21 Rules, 64 and 66 of C.P.C., for sale of schedule property for realization of decretal debt, the judgment-debtor, filed the present revision.

This court on 17.11.2017 granted interim stay of the impugned order subject to the condition of petitioner depositing 2,00,000/- (Rupees two lakhs only) within a period of eight weeks from the date of receipt of copy of the order. Subsequently, the respondent – decree holder was permitted to withdraw the deposited amount without furnishing any security.

The learned counsel for the petitioner submitted that the petitioner complied with the interim order by depositing the amount. He submits that petitioner is prepared to pay the balance amount and that he may be given time for a period of about six months to pay the said amount in equal monthly installments.

The learned counsel appearing for the respondent – decree holder vehemently opposed grant of time for payment of balance amount. He submitted that the suit was of the year 2006 and preliminary decree was passed on 24.10.2006 and final decree was passed on 23.07.2007 and the execution petition was filed in the year 2008 and the petitioner has been

evading payment and only after present petition is filed for sale of schedule property, made appearance.

There is no dispute that pursuant to the interim order, the petitioner has deposited an amount of Rs.2,00,000/- to show his *bona fidies* and that he under takes to pay the balance amount, and requests for time. In view of these circumstances and to put a quietus to the issue, I am inclined to consider the request of the petitioner for grant of time to pay the balance amount.

The petitioner shall pay the balance amount in six equal monthly installments. The said amount shall be paid on or before 15th of every month, commencing from March, 2018 and on such deposit respondent / decree holder is permitted to withdraw the same without furnishing any security.

It is made clear that in case of any default for two consecutive months, it is open for the executing court to proceed with the execution in terms of impugned order, in accordance with law.

The revision is disposed of accordingly.

Miscellaneous petitions pending, if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:09—02—2018

AVS