

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2450 OF 2019

ORDER:

This revision, under Section 115 of the Civil Procedure Code, is filed by the petitioner/judgment debtor/defendant, aggrieved by the order dated 01.10.2019 passed in E.A (SR) No.2459 of 2019 in E.P.No.11 of 2013 in O.S.No.76 of 2008 by the Senior Civil Judge, Jangaon, Warangal District, whereby the application filed by the revision petitioner to return the amount deposited by him, was returned.

2. A memo dated 15.11.2019 is filed by the learned counsel for the revision petitioner to the effect that there is service of notice on the respondent as well as on his counsel appearing before the Court below. In spite of service of notice, none appeared on behalf of respondent.

3. Heard learned counsel for the revision petitioner and perused the record.

4. The submissions made by the learned counsel for the revision petitioner and the material placed on record reveal that pursuant to the interim order dated 05.08.2013 passed by this Court in AS(SR) No.8068 of 2013, the revision petitioner deposited 1/3rd of the decretal amount in O.S.No.76 of 2008 on the file of the Senior Civil Judge at Jangaon. Thereafter, the revision petitioner filed EA (SR) No.2459 of 2019 in E.P.No.11 of 2013 in O.S.No.76 of 2008 seeking permission to return the amount deposited by him. The Court below vide docket order dated 01.10.2019 returned the said petition with the following objections:

1) The petitioner/defendant is directed to take permission from the Hon'ble High Court for withdrawal amount as per order vide AS (SR) No.8068 of 2013.

2) E.P. number is incorrect.

3) Copy not given to other side.

5. In the course of submissions, it is brought to the notice of this Court that the revision petitioner/judgment debtor had paid the entire decretal amount to the respondent/decreed holder and nothing remains to be paid to the respondent/decreed holder. The amount deposited in O.S.No.76 of 2008 pursuant to the order dated 05.08.2013 in AS(SR) No.8068 of 2013 is required to be returned to him.

6. Under these circumstances, the Court below is directed to return the amount, if any, deposited by the revision petitioner/judgment debtor pursuant to the order dated 05.08.2013 in AS (SR) No.8068 of 2013 in O.S.No.76 of 2008, on an application being filed by the revision petitioner/judgment debtor after due notice to the other side, in accordance with the procedure established under law.

7. With the above direction, the Civil Revision Petition is disposed of.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Dr. SHAMEEM AKTHER, J

Date: 21.11.2019
ssp