

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2830 OF 2019

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant aggrieved by the docket order dated 20.09.2019 passed in I.A.No.1568 of 2017 in O.S.No.974 of 2017 by the XI Additional Chief Judge, City Civil Court, Hyderabad, whereby the application filed by the respondents herein/plaintiffs under Order XXXVIII Rule 5 of CPC to direct the revision petitioner/defendant to furnish security to the extent of suit claim, was allowed.

2. Heard learned counsel for the petitioner/defendant, learned counsel for the respondents/plaintiffs and perused the record.

3. On 04.12.2019, learned counsel for the revision petitioner filed an undertaking memo to the effect that the revision petitioner is willing to deposit the suit claim before the Court below.

4. When the matter is taken up for hearing, both the parties have conceded that the revision petitioner/defendant is willing to pay a sum of Rs.12,00,000/- to the respondents/plaintiffs and to deposit an amount of Rs.17,00,000/- in the subject suit in O.S.No.974 of 2017 before the XI Additional Chief Judge, City Civil Court at Hyderabad, after selling the suit schedule property and before its registration in favour of third parties.

5. Under these circumstances, the revision petitioner/defendant is directed to pay Rs.12,00,000/- to the respondents/plaintiffs and deposit an amount of Rs.17,00,000/- in the subject suit in O.S.No.974 of 2017 before the XI Additional Chief Judge, City Civil Court at Hyderabad, after selling the suit schedule property and before its registration in favour of third parties. The revision petitioner/defendant is entitled to contest the suit on merits without prejudice to the deposit of Rs.17,00,000/- as indicated above. Accordingly, the impugned order dated 20.09.2019 passed in I.A.No.1568 of 2017 in O.S.No.974 of 2017 by the XI Additional Chief Judge, City Civil Court, Hyderabad, is modified. Failing to comply the said condition as agreed, this petition stands dismissed. The time given to comply the above directions is three (3) months from the date of receipt of a copy of this order.

6. Accordingly, the Civil Revision Petition is disposed of. The undertaking memo filed by the revision petitioner shall form part of this order.

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

Dr. SHAMEEM AKTHER, J

Date: 30.12.2019
ssp