

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.2749 OF 2019

Dated:24.01.2020

Between:

The Vice Chairman, Kakatiya Urban
Development Authority, Warangal,
O/o. KUDA behind Ashok Hotel,
Hanamkonda, Warangal

.. Petitioner

And

Somarthi Janardhan, S/o. Govind,
aged 70 years, Occ: Retd. Employee,
R/o. Ramannapet, Warangal and another

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and Sri N. Krishna Rao, learned counsel for the respondents.

2. Petitioner herein is the defendant No.2/judgment debtor No.2 and respondent No.1 herein is the plaintiff/deGREE holder.

3. O.S.No.12 of 2004 was filed in the Court of Principal Senior Civil Judge, Warangal, claiming damages against defendant Nos.1 and 2. By judgment and decree dated 10.10.2017, the said suit was decreed in favour of the plaintiff holding that he is entitled to damages of Rs.1,25,000/- payable by defendant No.2, the Kakatiya Urban Development Authority (KUDA). Aggrieved thereby, KUDA preferred A.S.(SR).No.1733 of 2019 in the Court of the Principal District Judge, Warangal, with an application to condone the delay in filing the appeal and the matter is standing at that stage. While so, the plaintiff filed E.P.No.169 of 2018 alleging non-compliance of the decree passed in his favour. By order dated 01.11.2019, the executing Court, holding that the judgment debtor No.2 failed to satisfy the decree, ordered for attachment of Innova Car bearing No.TS 03 EQ 0789. Aggrieved thereby, this revision is filed.

4. This Court, by order dated 25.11.2019, granted interim stay subject to petitioner depositing an amount of Rs.1,25,000/- within two weeks from the date of the order and on such deposit, this

Court permitted the decree holder to withdraw half of the amount unconditionally.

5. Learned counsel for the petitioner and learned counsel for the respondents informed the Court that the amount, as directed, was deposited and half of the amount was already withdrawn.

6. In view of the same, the order of attachment dated 01.11.2019 passed in E.P.No.169 of 2018 in O.S.No.12 of 2004 on the file of the Additional Senior Civil Judge, Warangal, is set aside. However, it is open to the respondent No.1/decreed holder to file appropriate application before the trial Court seeking withdrawal of the balance amount.

7. The Civil Revision Petition is accordingly allowed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:24.01.2020

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