

**THE HONOURABLE SMT. JUSTICE P.SREE SUDHA**

**C.R.P.No. 4812 of 2003**

**ORDER:**

This Civil Revision Petition arises out of the order dated 15.09.2003 passed by the learned Senior Civil Judge, Khammam, in E.A.No.402 of 2003 in E.P.No.306 of 2002 in O.S.No.80 of 1995.

The trial Court, by docket order dated 15.09.2003, held as under:

“In view of orders in E.A.No.370 of 2003 and decree, a sum of Rs.50,000/- was kept in FD as plaintiff No.3 (Petitioner No.2 herein) is minor. Plaintiff No.3 was aged 7 ½ years when O.P.No.70 of 1990 was filed. So, she might have become major by this date. The said amount can be paid to Plaintiff No.3 if she applies for the amount. Plaintiff No.2 (Petitioner No.1 herein) is entitled for Rs.3,59,943/- (Rs.4,09,943/- - Rs.50,000/- = Rs.3,59,943/-). Admittedly, defendants filed appeal. No stay order is obtained by

defendants. To safe guard the interest of both parties, it is better to direct the petitioners to furnish 3<sup>rd</sup> party security for Rs.3,59,943/-. For furnishing 3<sup>rd</sup> party security, call on 18.09.2003.”

Learned Counsel for the revision petitioners contended that the revision petitioners filed a cheque petition for an amount of Rs.3,59,943/-, but the respondents filed a petition seeking not to pay the amount to the Decree Holders; that the trial Court, while permitting the Decree Holders to withdraw the amounts deposited, erroneously imposed a condition to furnish third party security and, therefore, he requested the Court to set aside the order of the trial Court to the extent of imposing a condition to furnish third party security.

In view of the judgment passed in A.S.No.828 of 2003 dated 13.12.2022, this Court is of the view that it is just and reasonable to set aside the impugned order of the trial Court to the extent of imposing a condition to furnish third party

security for withdrawal of Rs.3,59,943/-. The revision petitioners are also entitled to withdraw the said deposited amount without furnishing third party security as plaintiff No.3 was declared as major.

Accordingly, the C.R.P. is allowed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

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**JUSTICE P.SREE SUDHA**

13.12.2022  
Gsn