

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

APPEAL SUIT NO: 579 OF 2007

Appeal under section 96 of C.P.C against the Judgment and Decree Dated 10.09.2007 made in E.A.No.86 of 2007 in E.P.No.36 of 2005 in O.S.No.117 of 2002 on the file of the Court of the Senior Civil Judge, Karimnagar.

Between:

Thada Anja Reddy, S/o.Raji Reddy, Occ: Private Employee, R/o.H.No.8-6-186, Rampur Locality, Karimnagar Town, presently residing at Hyderabad.

...Appellant/Claim Petitioner

AND

1. Navarathna Reddy, S/o.Papi Reddy, Occ: Landlord, R/o.2-10-983/1, Jyothinagar, Karimnagar.
2. T.Raji Reddy, S/o.Bal Reddy, Occ: Business, R/o.H.No.8-6-119, Rampur Locality, Karimnagar.

...Respondents/Respondents

I.A. NO: 1 OF 2008(ASMP. NO: 360 OF 2008)

BETWEEN:

Navarathna Reddy, S/o.Papi Reddy, Occ: Landlord, R/o.2-10-983/1, Jyothinagar, Karimnagar.

... Petitioner/Respondent No.1

AND

1. Thada Anjha Reddy, S/o.Raji Reddy, Occ: Private Employee, R/o.H.No. 8-6-186, Rampur Locality, Karimnagar Town, presently residing at Hyderabad.
2. T.Raji Reddy, S/o.Bal Reddy, Occ: Business, R/o.H.No.8-6-119, Rampur Locality, Karimnagar.

...Respondents/Respondents No.2

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate ASMP.No.2274 of 2007 in A.S.No.579 of 2007.

Counsel for the Appellant :SRI V RAVI KIRAN RAO

**Counsel for the Respondent No.1 : SRI SRINIVASA RAO PUTLURI
(NONE APPEARED)**

The Court delivered the following: Judgment

HONOURABLE SRI JUSTICE N. TUKARAMJI

APPEAL SUIT NO.579 of 2007

JUDGMENT:

Heard Mr. V. Ravi Kiran Rao, learned Senior Counsel for the appellant. None appeared for the respondent.

2. This appeal has been filed assailing the order dated 10.09.2007 in E.A.No.86 of 2004 in E.P.No.36 of 2005 in O.S.No.117 of 2002 on the file of the Senior Civil Judge, Karimnagar.

3. The appellant is the claim petitioner before the executing Court.

4. The relevant facts in brief are that the respondent No.1 filed suit O.S.No.117 of 2002 on the file of the Senior Civil Judge, Karimnagar for recovery of Rs.6,58,350/- basing on mortgage. The suit was preliminarily decreed on 22.03.2004 and the final decree was passed on 04.08.2005. Whereafter the execution petition vide E.P.No.36 of 2005 was filed for sale of mortgage property i.e. house at Rampur locality, Karimnagar. During the pendency the appellant herein filed the claim petition with a plea that he is the joint owner of the schedule property. The Court

below on merits dismissed the application. Aggrieved thereby the present appeal has been filed.

5. In appeal, vide ASMP No.2274 of 2007 interim stay of all further proceedings in execution petition was granted subject to deposit of half of the decretal amount and as per the learned Senior counsel for the appellant the direction has been complied. However the respondent/decreed-holder disputed the quantification of half of the decretal amount.

6. Be that as it may, today at hearing the learned Senior Counsel appearing for the appellant submits that the appellant is ready to make good the entire decretal dues to the respondent No.1.

7. Having regard to the submission, against the claim of the respondent No.1/decreed-holder to realize the dues in the decree, as the appellant/claim petitioner is readily accepting the liability and even paid half of the decretal amount due in the interlocutory proceedings, granting leave to clear of the decretal dues within six weeks is found appropriate. Accordingly ordered.

8. Upon such payment, subject to satisfaction, the executing Court may pass appropriate order closing the execution petition.

For this reason, considering the merits in the appeal would not arise.

9. With the above observation, this appeal suit is disposed of. The appellant is directed to clear entire decretal due, within six weeks from the date of receipt of a copy of this judgment, before the Executing Court. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions if any, stands closed.

//TRUE COPY//

Sd/- I. NAGA LAKSHMI
JOINT REGISTRAR

SECTION OFFICER

To,

1. The Senior Civil Judge, Karimnagar (With records, if any)
2. One CC to SRI V RAVI KIRAN RAO, Advocate [OPUC]
3. One CC to SRI SRINIVASA RAO PUTLURI, Advocate [OPUC]
4. Two CD Copies

ADK/gh

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HIGH COURT

DATED:06/03/2025



JUDGMENT+DECREE

2 DRAFTS

AS.No.579 of 2007

**DISPOSING OF THE APPEAL SUIT
WITHOUT COSTS**

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Appeal under section 96 of C.P.C against the Judgment and Decree Dated
10.09.2007 made in E.A.No.86 of 2007 in E.P.No.36 of 2005 in O.S.No.117 of 2002
on the file of the Court of the Senior Civil Judge, Karimnagar.

This appeal coming on for hearing and upon perusing the grounds of appeal,
the Judgment and Decree of the Lower Court and the material papers in the Case
and upon hearing the arguments of SRI V RAVI KIRAN RAO, Advocate for the
Appellant and of SRI SRINIVASA RAO PUTLURI, Advocate for the Respondent
No.1(None appeared).

This Court doth Order and Decree as follows:

1. That the Appeal suit be and hereby is disposed of;
2. That the appellant is directed to clear entire decretal dues, within six weeks
from the date of receipt of a copy of this judgment, before the Executing
Court;
3. That there shall be no order as to costs in this appeal.

//TRUE COPY//

Sd/- I. NAGA LAKSHMI
JOINT REGISTRAR

SECTION OFFICER

To,

1. The Senior Civil Judge, Karimnagar
2. Two CD Copies

Yg

HIGH COURT

DATED:06/03/2025

DECREE

AS.No.579 of 2007

**DISPOSING OF THE APPEAL SUIT
WITHOUT COSTS**

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