

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

I.A.NO.1 OF 2014

IN

CIVIL REVISION PETITION NO: 1893 OF 2012

Between:

1. Smt Rani Usha Rani, W/o. A. Krishna Murthy aged about 62 years Occ: House Hold Temporarily R/o. H.No: 3-6-294, Hyderguda Hyderabad - 500029
2. A. Krishna Murthy, S/o. A. Venkatappa aged about 69 years, retired senior citizen Temporarily R/o. H.No: 3-6-294, Hyderguda Hyderabad Hyderabad - 500029
3. Raja Venkatappa Naik (died),

(LRS not necessary parties)

...Petitioner/ Petitioner/Appellants

AND

1. M.S.Naidu (died) per LRs Respondent No.4 & 5, LRS not necessary parties
2. S.K.Naidu (died) per LRs Respondent No.5 & 7, LRS not necessary parties
3. Smt Uma Devi (died) per LRs not necessary parties.
4. Smt Jagadamba (Died), W/o. Mr. M.S.Naidu
5. Smt M. Savithri, W/o. Sri Nagaraj Occp: Household R/o. 3-6-294/5, Hyderguda, Hyderabad-29
6. Prem Kumar, S/o. Late S.K. Naidu Service R/o. 3-6-294/5, Hyderguda, Hyderabad -29
7. Pramod Kumar, S/o. Late S.K.Naidu Service Occp., service R/o. 3-6-294/5, Hyderguda, Hyderabad -29

...Respondents/ Respondents/ Respondents

Petition under Article 115 of CPC Praying that in the Circumstances stated in affidavit file therewith the High Court may be pleased to, order Registrar (judicial) to disburse the amount lying to the credit of the C.R.P.1893 of 2012 and to 2012 and to direct the accounts section to issue a cheque for an amount

of Rs.35000/- along with accrued interest in favour of petitioner No.2 as the appeal A.S.No.:420 of 2003 is allowed by the XIII Additional Chief Judge(FTC), C.C.C. Hyderabad and pass such other orders as this Hon'ble Court may deem fit and necessary in the circumstances of the case.

This Petition coming on for hearing, upon perusing the Petition thereof and order dated 13.09.2012 made in CRP 1893/12 the affidavit in support thereof and upon hearing the arguments of Sri B MADHUKAR RAO, Advocate for the Petitioner and of Sri K. LAKSHMANA CHARY, Advocate for the Respondent.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE SAMBASIVA RAO NAIDU

INTERLOCUTORY APPLICATION NO.1 OF 2014

IN

CIVIL REVISION PETITION No.1893 OF 2012

ORDER:

Civil Revision Petition No.1893 was preferred against the orders in I.A.No.56 of 2012 in I.A.No.719 of 2007 in A.S.No.420 of 2003 on the file of XIII Additional Chief Judge-cum-Fast Track Court, City Civil Court, Hyderabad.

2. The petitioners have sought for stay of further proceedings pending disposal of the civil revision petition. A conditional stay was granted directing the petitioners to deposit an amount of Rs.50,000/- in two weeks and accordingly they deposited the amount with Registrar (Judicial).

3. Subsequently, C.R.P.No.1893 of 2012 was disposed by this Court on 13.09.2012 allowing the civil revision petition. The order of the Court below refusing to condone the delay and to restore the appeal of the revision petitioners was set aside, subject to the respondent/deeree

holder permitting to withdraw Rs.15,000/- from the above said amount of Rs.50,000/- and balance amount lying to the credit of the civil revision petition shall abide by the result of the appeal before the lower Court.

4. The petitioners are the revision petitioner i.e., appellants in the appeal filed petition vide C.R.P.M.P.No.1720 of 2014 stating that A.S.No.420 of 2009 was allowed setting aside the judgment and decree in O.S.No.2236 of 1991 and no appeal was preferred against the said judgment. Therefore, the petitioners are entitled to receive the balance amount of Rs.35,000/- which was deposited as per the directions of this Court together with interest. As such, they sought for issuing a cheque for the amount with interest.

5. As per the order in C.R.P.No.1893 of 2012 it is very clear that to obtain stay the petitioners have deposited Rs.50,000/- and out of the said amount this Court permitted the Respondent/Decree Holders to withdraw Rs.15,000/-. Therefore, since the appeal is decided in

favour of the petitioners herein, they are entitled to receive the balance with the interest.


6. Therefore, issue cheque for an amount of Rs.35,000/- along with interest in favour of petitioner No.2 i.e., Sri.A.Krishna Murthy as prayed for.

7. Therefore, with the above direction, this petition is allowed.

8. As a sequel, pending Miscellaneous Applications, if any, shall stand closed.

//TRUE COPY//

Sd/-B. SATYAVATHI
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The XIII Additional Chief Judge-cum-Fast Track Court, City Civil Court at Hyderabad
2. One CC to SRI. B MADHUKAR RAO, Advocate [OPUC]
3. One CC to SRI. K LAKSHMANA CHARY, Advocate [OPUC]
4. Two CD Copies


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HIGH COURT

SRNJ

DATED:03/08/2022

ORDER
I.A.NO.1 OF 2014
IN

CRP.No.1893 of 2012



ALLOWING THE I.A WITHOUT COSTS.

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15/12/22