

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No: C.R.P.No.760 of 2024

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
3.	04.07.2024	<u>RNT,J & VN,J</u> Heard learned counsel for the petitioner and Sri Durga Prasad, learned counsel for respondent No.1. 2. Respondent No.1 is the decree holder. Respondent Nos.2 to 5 are the judgment debtors Nos. 1 to 4. The petitioner is the J.Dr.No.5. 3. The decree holder obtained decree in ARC.No.53 of 2012 dated 07.06.2013 against the J.Drs.Nos.1 to 5. The said decree was not complied by the J.Drs. Consequently, E.P.No.34 of 2016 was filed. 3. In the said Execution Petition, the petition/objection of J.Dr.No.5 under Order 21 Rules 54, 64, and 66 CPC were rejected by the impugned order dated 23.02.2023. 4. Learned counsel for the petitioner placing reliance in Section 146 of Contract Act and the judgment of Hon'ble Apex Court in the case of <i>Ram Kishun v. State of Uttar Pradesh</i> {(2012) 11 SCC 511} submits that the liability of the petitioner would be 1/4th and J.Dr.No.5 is ready to make payment of 1/4th of the amount	

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		awarded, in Execution proceedings. 5. The matter requires consideration. 6. Learned counsel for the respondent No.1 prays for time to file counter affidavit. 7. Issue notice to respondent Nos.2 to 4. 8. In addition to the normal mode of service, the petitioner is permitted to take out personal notice to the respondent Nos.2 to 4 by registered post and acknowledgment due and file proof of service in the Registry before the next date of listing. 9. Prima facie the case for grant of interim order is made out. 10. On deposit of 1/4th of amount awarded, in Execution Court, within a period of three weeks from today, further proceedings for Execution against the petitioner (J.Dr.No.5) shall remain stayed till the next date of listing. In case of default, the benefit of this order shall not be available to the petitioner. 11. Post on 04.10.2024. _____ RNT,J _____ VN,J AG	