

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

MAIN CASE No:A.S.No.419 of 2024
PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
21	18.08.2026	<u>DR,J & AHHS,J</u> <u>I.A.No.1 of 2026</u> This application is filed by the petitioners, who are respondents/plaintiffs in A.S.No.419 of 2024. The present appeal is filed against the decree and judgment dated 08.05.2024 passed in O.S.No.41 of 2021. While considering the appeal on 03.02.2026, this Court passed the following order: <i>“6. In the meantime, the operation and execution of decree under challenge shall remain stayed subject to the following conditions:</i> <i>i) the appellant shall deposit 50% of the decretal amount as it stands today within a period of six (06) weeks before the Execution Court and</i> <i>ii) the appellant shall also deposit the costs amount within the same period.</i> <i>7. The amount so deposited, except the costs amount, shall be invested in Fixed Deposit Receipt with a nationalised Bank preferably State Bank of India for a period initially of one year with renewal clause.”</i>	

		Consequent to the said orders, the appellant has deposited 50% of the decretal amount along with costs. Now, the present application is filed by the petitioners for withdrawal of the said amount. Pursuant to the above interim order, the appellant has deposited Rs.35,00,000/- lakhs <i>vide</i> cheque bearing No.013223, dated 03.02.2026 towards 50% of decretal amount and Rs.3,48,028/- through cheque bearing No.013224, dated 03.02.2026 towards costs of the suit, drawn on Union Bank of India, Jammalamadugu Branch. As the suit itself is for money decree, the learned counsel for the petitioners has submitted that usually, when 50% of the decretal amount is directed to be deposited, the respondents in the appeal are entitled to withdraw the amount. In the instant case, while granting the interim order, this Court has directed to invest the said deposited amount in a Fixed Deposit Receipt in a Nationalised Bank. Hence, the petitioners/respondents/plaintiffs sought permission to	
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		withdraw the amount as deposited by the appellant. The same is opposed by the learned counsel for the appellant and also they also want to make their submissions on merits. However, this Court is not inclined go into the merits of the matter. On perusal of the averments made in the accompanying affidavit filed along with the I.A., this Court is inclined to dispose of the I.A., by modifying the interim order passed by this Court on 03.02.2026, particularly at para 7, with the following observations: (i). The amount so deposited in terms of para No.6, towards the costs, is permitted to be withdrawn by the petitioners / plaintiffs, without furnishing any security. (ii). Having regard to the deposit made by the appellant through cheque bearing No.013223 dated 03.02.2026, the petitioners are permitted to withdraw the said amount, subject to furnishing a bank guarantee.	
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		Accordingly I.A.No.1 of 2026 is disposed of. <u>DR, J</u> <u>AHHS, J</u> <u>A.S.No.419 of 2024</u> Post the matter in the usual course. <u>DR, J</u> <u>AHHS, J</u> Knr	
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