

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MAIN CASE No.: A.S. No. 25 of 2014
PROCEEDING SHEET

Sl. No.	DATE	ORDER	
	06.07.2023	<u>RNT,J & Dr. KMR,J</u> 1) Heard learned Counsel for the Petitioner/Appellant. 2) No representation for the Respondent. 3) I.A. No. 1 of 2021 has been filed for permission to the Petitioner/Appellant/Defendant to deposit certain amount, pursuant to the Order, dated 10.11.2014, in A.S.M.P. No. 95 of 2014, in the present appeal. 4) The Respondent/Plaintiff filed O.S. No.234 of 2007, which was decreed with costs for Rs.1,09,03,035/- together with interest thereon @ 12% per annum from the date of the suit i.e., 22.12.2007 till the date of decree i.e., 26.09.2013 and thereafter at 6% per annum from the date of the decree till realization. 5) In appeal, stay order, dated 30.01.2014, was granted subject to the condition of Petitioner/Appellant depositing Rs.30,00,000/- within six [06] weeks from that date. On such deposit, it was further provided that, the Respondent/Plaintiff was at liberty to withdraw the same without furnishing any security.	

		6) It is submitted that, the Appellant deposited Rs.30,00,000/-. 7) It is further submitted that, thereafter, this Court passed an interim Order, dated 10.11.2014, the operative portion of which, is as under: <i>“Therefore, in view of the findings recorded by the Court below, we are of the view that interim order granted by this Court on 30.1.2014 shall be continued on condition of the petitioner/appellant depositing half of the decretal amount due as on date to the credit of the suit O.S. No. 234 of 2007 within a period of six weeks from today. It is made clear that the amount of Rs.30,00,000/- alleged to have been deposited pursuant to the interim order dated 30.01.2014 shall be given credit to. Failing to deposit the same, it is open to the respondent/plaintiff to execute the decree without reference to the pendency of the appeal before this Court. On such deposit, the respondent/plaintiff is permitted to withdraw the same without furnishing any security.</i> 8) In view of the Order, dated 10.11.2014, the Petitioner had to deposit half of the decretal amount due as on that date [10.11.2014]. The amount of Rs.30,00,000/-, deposited pursuant to the interim order, dated 30.01.2014, was to be given credit. 9) It is submitted that, thereafter, the Appellant deposited Rs.24,51,580/-.	
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		10) Learned Counsel for the Appellant submits that, due to some wrong calculation, the entire amount as per order, dated 10.11.2014, has not been deposited. He submits that the Appellant is ready to deposit the 50% of the decretal amount, as it stands today, after adjusting the amount already deposited. 11) Post on 07.07.2023. 12) The Appellant shall file calculation memo showing what is the total amount as on today, as per the decree, its 50%, as also the balance of 50% after adjustments of the deposits already made by the Petitioner. RNT, J Dr. KMR, J SM/	
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