

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No.200 of 2017

Santosh Kumar Yadav **Versus** Premlal Jhangde

31/01/2019	<p>Mr. S.S. Baghel, counsel for the appellant. Mr. Anand Verma, Dy. G.A. for the State. Heard on I.A. No.3, application for necessary direction filed by the appellant.</p> <p>Learned counsel for the appellant would argue that as per the interim order passed by this Court, the appellant had deposited 75% of the decretal amount within the time stipulated by the Court and the respondent/ decree holder is pressing for release of the said amount in his favour, therefore, appropriate direction may be issued that the amount may not be permitted to be withdrawn.</p> <p>On the other hand, learned counsel for the respondent/decreed holder would submit that the very spirit of the interim order of this Court was that the decree holder should receive the fruits of the money decree atleast to the extent of 75%, therefore, if the amount is not allowed to be withdrawn, the decree holder will virtually suffer an order of stay of money decree.</p> <p>Having considered the submission of learned counsel for the parties, we are not inclined to stay release of the decretal amount of 75% deposited by the appellant in compliance of the interim order passed by this Court. The Executing Court shall release the said amount in favour of the decree holder subject to decree holder furnishing solvent surety of the satisfaction of the trial Court. Therefore, application (I.A.No.3) for necessary direction is rejected.</p> <p>Also heard on I.A. No.4, application for vacating stay. Considering that we have passed specific order for release of</p>

75% of the decretal amount in favour of the respondent/decreed holder, we are not inclined to vacate the interim order earlier passed by this Court. The application for vacating stay is rejected.

The appeal be listed for final hearing.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge