

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
AND
THE HON'BLE SRI JUSTICE S.V.BHATT**

C.C.C.A.No.230 of 2001

JUDGMENT: (Per LNR,J)

The 1st respondent filed O.S.No.91 of 1998 in the Court of II Additional District Judge, City Civil Court, Hyderabad, against respondents 2 to 6 and appellants herein (defendants 6 and 7) for recovery of a sum of Rs.19,57,101-69 ps. with interest. While the 2nd respondent was the principal borrower, respondents 3 to 6 and the appellants herein are said to be guarantors for the repayment of loan. The trial Court decreed the suit as prayed for through judgment, dated 11.06.2001.

Heard Sri Ghouse Bhasha, learned counsel for the appellants and Sri Vasantha Rayudu, learned counsel for the 1st respondent.

Left to itself, the 2nd defendant-the principal borrower did not assail the decree. The appellants herein also did not seek any stay of execution of the decree. It is brought to the notice of this Court that the decree has not been executed yet.

In case, the decree has already been executed, nothing remains to be decided in this appeal. If on the other hand, the decree has not been executed, for the past more than 12 years, we have got our own doubt as to whether any E.P. can be filed at this stage. Even if it is otherwise permissible, for the decree holder to execute the decree, the appellants can raise their objections in the E.P. or insist that they cannot be proceeded against,

unless the steps vis-a-vis the principal borrower are exhausted. This order however cannot be construed as extending the limitation for execution of the decree in any manner.

We therefore dispose of the appeal with the above observation.

The miscellaneous petition filed in this appeal shall also stand disposed of. There shall be no order as to costs.

L.NARASIMHA REDDY, J

S.V.BHATT,

J

Date: 24.07.2013
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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
AND
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