

IN THE COURT OF THE HON'BLE VII SENIOR CIVIL JUDGE: RANGA REDDY DISTRICT
AT : L.B.NAGAR

E.P.No. 12 of 2014

In

O.S.No. 194 of 2012

Between:

M/s.Paramount Builders

... Decree Holder/Plaintiff

And

A.Shankar Reddy

... Judgment Debtor/Defendant

COUNTER FILED BY THE JUDGMENT DEBTOR

The Judgment Debtor respectfully submits his Counter as follows:

1) At the out set the E.P. filed by the Decree Holder is not maintainable either in law or on facts, and hence liable to be dismissed.

2) The Judgment Debtor submits that the Decree Holder filed the above suit against the Judgment Debtor before the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad for recovery of money with all false and baseless allegations. The J.Dr. has engaged an Advocate Mr.K.Kishore Roy to file Written Statement on behalf of the J.Dr. in the above case and the J.Dr. has filed his Vakalat in the said Case to defend the same on 30-06-2012. After engaging Advocate in the said Case, the J.Dr. was transferred to Chennai by his employer i.e., the Decree Holder herein in the year 2012 and due to the said reason the J.Dr. could not instruct his advocate to file Written Statement in the above case as such the J.Dr. was set exparte in the above case on 30-10-2012, subsequently the Hon'ble court was pleased to pass exparte decree on 11-12-2012.

3) The Judgment Debtor submit that he has strong defence in the above case to contest the said case. Originally the suit claim was between the J.Dr. and Decree Holder for recovery of money for purchase of Flat No.102, Block No.1-C, situated at Nagaram Keesara Mandal, Ranga Reddy District. As per the Loan Agreement entered into between the J.Dr. and Decree Holder the total cost of the flat was fixed by the Decree Holder Rs.12,85,000=00, out of which, the J.Dr. has paid a sum of Rs.8,15,000=00 to the Decree Holder and the J.Dr. agreed to

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pay the balance sale consideration of Rs.4,70,000/- in 60 monthly installments commencing from 01-10-2011 to 01-09-2016. As per the said loan agreement the J.Dr. has paid 7 installments i.e., upto 01-02-2012. After that the J.Dr. was transferred to Chennai by the Decree Holder herein. Due to the said reason the J.Dr. became irregular in payment of installments. Mean while the Decree Holder filed the above suit against the J.Dr. for recovery of entire balance loan amount which is contrary to the Loan Agreement. Even today the J.Dr. is ready and willing to pay the balance installments amount to the Decree Holder but the Decree Holder refused to receive the same. More over as on this date, the Loan Agreement is subsisting.

4) The Judgment Debtor further submit that after passing the Exparte Decree by this Hon'ble Court, the Decree Holder filed a Petition for transfer of the Decree passed by the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad and thereafter the Judgment Debtor has filed E.P.No.12 of 2014 before this Hon'ble Court for sale of my Flat i.e., E.P.Schedule Property which is unjust since the Loan Agreement is subsisting upto 2016. Contrary to the said Agreement, the Decree Holder filed the above suit. The Judgment Debtor submits that recently the J.Dr. came back to Hyderabad and the J.Dr. received notices in the E.P.No.12/2014. After receipt of summons in the said E.P., the J.Dr. filed Vakalat with an intention to contest the said E.P. and immediately the J.Dr. approached the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad and enquired about the above Case, wherein the J.Dr. came to know that he was set exparte in the above suit and an Exparte Decree was passed against him on 11-12-2012. The Judgment Debtor submits that in view of the above said circumstances, the J.Dr. filed Petitions before the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad for setting aside the Exparte Decree Dt.11-12-2012 along with condone delay Petition to condone the delay in filing the said Petition and both the Petitions are pending before the Hon'ble III Senior Civil Judge, City Civil Court, at Secunderabad

I therefore humbly pray that this Hon'ble Court may be pleased to dismiss the above E.P. with exemplary costs, in the interest of justice.

COUNSEL FOR JUDGMENT DEBTOR

Place : L. B. Nagar
Dated : 02-09-2014

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VERIFICATION

I, A.Shankar Reddy, the Judgment Debtor in the above E.P. do hereby verify and declare that the above mentioned paragraphs of the above Counter are true and correct to the best of my knowledge and belief. Hence verified on this the 2nd day of September, 2014 at L.B.Nagar.

Place : L.B.Nagar
Dated : 02-09-2014


JUDGMENT DEBTOR

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COUNTER FILED BY THE JUDGMENT

DEBTOR

Filed on : 11/02-09-2014

Filed by : Counsel for Judgment Debtor

L.Srinivas Patel

Advocate

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