

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

CRP.No. 515 of 2015 ()

**(E.P.NO.141/2012 IN O.S.NO.936/2009 OF ADDITIONAL SUB COURT, KOLLAM
DATED 03/09/2015)**

REVISION PETITIONER/1ST DEFENDANT/1ST JUDGMENT DEBTOR :

**R.SHANMUGHAM, AGED 54 YEARS,S/O.RAJAPPAN,
PROP. M/S.GOLDEN CITY JEWELLERS, MUTHOOT CHAMBERS,
VADAYATTUKOTTA ROAD, KOLLAM (ALREADY CLOSED),
RESIDING AT MAY FLOWER BHAVANA NAGAR,
KADAPPAKKADA, KOLLAM.**

BY ADV. SRI.S.SOMAN

**RESPONDENT(S)/PLAINTIFF & DEFENDANTS 2 3 DECREE HOLDER JUDGMENT
DEBTORS 2 & 3:**

- 1. STATE BANK OF TRAVANCORE,
ANANDA VALLESWARAM, REPRESENTED BY ITS MANAGER
AND PRINCIPAL OFFICER, KOLLAM, PIN-691 001**
- 2. SURESH KUMAR.S., S/O.SIVARAMAN, AGED 35 YEARS,
LAVANYA NEAR POIKA, MEKONE, T.K.M.C (P.O),
KOLLAM, PIN-691 014**
- 3. ANIL.S., AGED 42 YEARS, USHA BHAVAN,
KOTTAKKAKOM, KOLLAM,PIN-691 013.**

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

C.R.P.No.515 of 2015

Dated this the 23rd day of September, 2015

O R D E R

Petitioner is the first judgment debtor in EP.No.141 of 2012 in O.S.No.936 of 2009 on the file of Additional Sub Judge, Kollam. The first respondent bank has obtained a decree for money against him. Notice under Order 21 Rule 37 C.P.C was issued to him. Though he entered appearance, he did not file any objection and later failed to appear also. The court has issued an arrest warrant against him. In this C.R.P the order to issue arrest warrant is challenged.

2. Heard.

3. The learned counsel submits that there is no finding by the executing court that the judgment debtor has means to pay the debt. If this is true, the arrest warrant has been issued only to secure the presence of the judgment debtor. I do not find anything illegal or irregular in the impugned order. If the petitioner is so advised, he may surrender before the court and take part in the

proceedings.

In the result, with the above observation this C.R.P is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV
H/o

//True Copy//

PA to Judge