

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION NO. 2676 of 2014

ORDER:

The judgment debtor is the petitioner in this revision. This revision is preferred against the orders passed by the learned II Additional Senior Civil Judge, Kakinada on 18.06.2014 in E.P.No.21 of 2013 ordering the petitioner herein to be confined and detained in civil prison for a period of two months.

The suit O.S.No.831 of 2011 has been filed for recovery of money on the foot of a pro-note and that was decreed on 21.12.2012. For execution of the said decree, E.P.No.21 of 2013 is filed. The petitioner is working as a lineman with Andhra Pradesh Eastern Power Distribution Company Limited. He is drawing a meager sum of Rs.23,570/-. In those set of circumstances, he pleaded the difficulty to pay up the entire decretal amount. It is his case that he was getting a meager sum of Rs.5,600/-, but he failed to lead any evidence in proof thereof.

Sri T.V.S. Prabhakara Rao would submit that, if six months time is granted herein, the petitioner will pay up the decretal amount completely on installment basis. Hence, this civil revision petition is disposed of granting six months time to the petitioner, subject to the writ petitioner depositing a sum which shall not be less than Rs.50,000/- per month, which shall be deposited before the 15th of the succeeding month and by the end of six months period, he must liquidate the entire amount due. The order passed by the learned II Additional Senior Civil Judge, Kakinada, stands modified to the above fact. However, if the petitioner commits any default in making the payment for two consecutive months, the impugned order

automatically springs up to life and becomes revived without any further reference to this Court. If, on the other hand, before 15th of each succeeding month, if the petitioner continues to deposit a sum of money which is not less than Rs.50,000/- per month, no further action pursuant to the impugned order shall be initiated against him. The first of the installments will commence with this month and hence, the petitioner is liable to make the necessary deposit before 15.04.2015 and continue to make the deposits thereafter before 15th of every month. as and when, money is deposited, the same be paid to the decree holder, without any security.

With this, the civil revision petition stands disposed of.

Consequently, miscellaneous applications pending shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

19.03.2015
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