

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.R.P.No.2455 of 2015

Between:

B. Rama Krishnudu

... Petitioner/Appellant (s)

And

G. Lakshmi Devi

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.2455 OF 2015

O R D E R

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This CRP is filed against the order dated 16.06.2015 in E.P.No.66 of 2014 in O.S.No.1059 of 2007 on the file of the Principal Junior Civil Judge, Kurnool where in the Court below while allowing the said petition issued arrest warrant against the petitioner/Judgment Debtor for realization of the decretal amount.

Learned counsel for the petitioner submits that the petitioner does not have sufficient means to pay the decretal amount and the respondent/Decree Holder has not proved that the petitioner is having sufficient means to pay the decretal amount. As such, unless it is proved, arrest warrant cannot be issued under Order 21 Rules 37 and 38 of Civil Procedure Code.

A perusal of the order passed by the Court below shows that petitioner is an employee and he is drawing a salary of more than Rs.35,000/- per month and also having movable and immovable properties. RW1 also admitted in his cross-examination that the petitioner is drawing an amount of Rs.43,000/-per month and after all deductions, he is getting an amount of Rs.10,000/- per month. Once the petitioner is proved to have sufficient means to pay the decretal amount and deliberately does not pay the same, the decree holder can always realise the said amount by way of attachment of property or by way of arrest. The trial Court was satisfied with the means of the petitioner/Judgment Debtor and held that the petitioner is deliberately not paying the suit amount and ordered for arrest.

This Court granted interim order on 06.07.2015 on condition that the petitioner deposits 50% of the decretal amount within a period of two weeks and it is stated that the same has been complied with.

Learned counsel for the petitioner states that some time may be granted to the petitioner for payment of the balance amount.

In view of the above, I do not find any error in the order passed by the Court below. However, by considering the facts and

circumstances of the case, since the petitioner has complied with the order passed by this Court on 06.07.2015 by paying 50% of the decretal amount, the petitioner is permitted to pay the balance 50% decretal amount within two (2) months from today. Till then, there shall be stay of arrest. If the petitioner fails to pay the said amount within the aforesaid period, it is open for the respondent/Decree holder to get executed the order dated 16.06.2015 in E.P.No.66/2014 in O.S.No.1059/2007 on the file of Principal Junior Civil Judge, Kurnool.

With the above direction, the CRP is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 14.08.2015

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