

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.1060 of 2015

ORDER:

This Revision is filed challenging the order dt.03-02-2015 in E.P.No.58 of 2012 in O.S.No.307 of 2009 of the Principal Junior Civil Judge, Kadiri.

2. The petitioner herein is J.Dr. in the E.P. The said suit was filed by respondent for recovery of money against petitioner and it was decreed on 25-04-2012.
3. E.P.No.58 of 2012 was filed for recovery of a sum of Rs.1,23,026/- from petitioner along with costs invoking Order XXI Rules 37 and 38 C.P.C.
4. The respondent contended in the E.P. that petitioner has movable and immovable properties worth Rs.10,00,000/-; that he is an employee and getting monthly salary of Rs.25,000/- and other annual income of Rs.2,00,000/-; and in spite of having sufficient means and surplus funds to discharge the E.P. debt, he is evading to do so.
5. Counter affidavit was filed by petitioner denying these allegations and contending that he is drawing only monthly salary of Rs.12,000/- and he has no objection for attachment of his salary subject to Section 60 C.P.C.
6. Before the Court below, the respondent examined himself as P.W.1 and marked Exs.A-1 to A-5. The petitioner examined himself as R.W.1 and he also examined R.W.2 and marked

Ex.R-1 his salary certificate.

7. By order dt.03-02-2015, the Court below directed the petitioner to discharge the E.P. debt in one month holding that Exs.A-1 to A-5 indicate that he has got agricultural lands in Udumulakurthi village apart from salary from his employment and he is willfully avoiding to satisfy the decree.
8. Questioning the same, this Revision is filed.
9. On 20-03-2015 while directing notice before admission, this Court granted stay of arrest of petitioner subject to petitioner depositing 50% of the decretal amount within four (04) weeks from that date. At that time, the learned counsel for petitioner also undertook that the petitioner would be pay the balance amount within next four (04) weeks.
10. Although the petitioner has complied with the first part of the order of depositing 50% of the decretal amount, the other balance amount as undertaken by the petitioner has not been deposited till date.
11. Since the petitioner has violated the undertaking given by his counsel on his behalf on 20-03-2015 and since Exs.A-1 to A-5 *prima facie* show that petitioner owns property in Udumulakurthi village, I am of the view that the petitioner has means to satisfy the decree and is deliberately avoiding to satisfy it.
12. I therefore do not find any merit in the Revision and it is accordingly dismissed. No costs.
13. As a sequel, miscellaneous petitions pending if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 01-10-2015

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