

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

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CIVIL REVISION PETITION No.1257 of 2015

Between:

E.Govindarajulu

....Petitioner

and

T.Padmavathamma.

....Respondent

JUDGMENT PRONOUNCED ON : 22.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

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

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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ORDER:

The petitioner is the judgment debtor in O.S.No.85 of 2012 on the file of the learned Junior Civil Judge, Rayadurg, Anantapuramu District. The first respondent herein filed the said suit for recovery of amount from the petitioner herein and the suit was decreed on 11.06.2013. She filed E.P.No.37 of 2014 praying the Court to arrest and detain the judgment debtor in civil prison, since the petitioner was avoiding payment of amount even though he has means to pay the amount. The said application of the respondent - decree holder, was allowed on 22.01.2015 by the learned Junior Civil Judge, Rayadurg. Challenging the

same, the present Civil Revision Petition is filed.

This Court, by order dated 02.04.2015 granted interim stay of execution of the order in E.P.No.37 of 2014, dated 22.01.2015, on condition of the petitioner paying Rs.25,000/- within a period of two weeks. Now it is submitted by the learned Counsel for the petitioner that the petitioner deposited the said amount in the Executing Court.

In order to prove the means of the judgment debtor, the decree holder herself was examined as P.W.1 and got marked Ex.P.1. The judgment debtor was examined as R.W.1 and got marked Ex.R1. He also examined one Golla Bojjanna as R.W.2. The Executing Court came to the conclusion that the judgment debtor is having Acs.4.00 of land and he has means to pay the decretal amount.

Now, by virtue of the interim order passed by this Court, the judgment debtor deposited substantial amount. What remains to be paid is only Rs.11,000/- and odd. In view of the finding of fact recorded by the learned Junior Civil Judge, Rayadurg, this Court is not inclined to allow the Civil Revision Petition, but in view of the deposit of amount of Rs.25,000/- and the undertaking given by the learned Counsel for the petitioner – judgment debtor, that the petitioner would deposit the balance amount within a period of thirty days from the date of receipt of a copy of this order, this Civil Revision Petition is allowed by setting aside the order dated 22.01.2015 passed in E.P.No.37 of 2014. Immediately after deposit of the amount by the judgment debtor, it is open to the decree holder to file an appropriate application for withdrawal of the amount, and the Executing Court shall consider the same and pass appropriate orders on or before 31.03.2016.

The Civil Revision Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.12.2015
vs