

HON'BLE SRI JUSTICE R. SUBHASH REDDY

Civil Revision Petition No.2139 of 2010

Order:

This Civil Revision Petition is filed by the judgment debtor in O.S.No.28 of 2001 on the file of the Senior Civil Judge, Nuzvid, aggrieved by the order dated 30.03.2010 passed in E.P.No.21 of 2006.

The respondent herein obtained decree in O.S.No.28 of 2001 against the petitioner-judgment debtor on 10.11.2004 to recover an amount of Rs.1,03,217/- with costs and subsequent interest. Alleging that he possesses substantial properties and is working as President, Primary Agricultural Cooperative Society, Nuzvid and in spite of having means to satisfy the decree, he is not honouring the same, respondent herein has filed E.P.No.21 of 2006 under Order 21 Rules 37 and 38 CPC to detain the petitioner in civil prison. The court below, by the impugned order, allowed the E.P.

This Court, by order dated 09.09.2010, granted interim stay on condition of the petitioner depositing a sum of Rs.30,000/-.

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

Learned counsel for the parties state that they have no instructions as to whether petitioner has complied the aforesaid condition. It is not in dispute that petitioner-

judgment debtor owns Ac.16.60 cents of land which fell to his share in partition. Though it is the case of the petitioner that an extent of Ac.8.00 cents was given to his daughter as *Stridhana*, he failed to produce any material in support thereof. Further, the fact that he is working as President, PACS, is not disputed. From the material on record, it is clear that though petitioner is having means to satisfy the decree, he is not paying the decretal amount. As such, I see no illegality in the impugned order. At the same time, it is to be noticed that this Court granted interim stay on condition of the petitioner depositing a sum of Rs.30,000/- as early as on 09.09.2010, which continued all-along.

In the circumstances, I deem it appropriate to dispose of the Civil Revision Petition granting four months' time from today to the petitioner to deposit the balance decretal amount; failing which it is open to the respondent-decree holder to enforce the impugned order.

Subject to the above, the Civil Revision Petition is disposed of.

As a sequel, miscellaneous petitions if any pending in the C.R.P., stand closed.

R.SUBHASH REDDY, J

January 27, 2015

MRR