

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

-
CIVIL REVISION PETITION No.5360 of 2012

-
ORDER:

This Revision is filed challenging the order dated 22-08-2012 in E.P.No.23 of 2011 in O.S.No.14 of 2008 on the file of Principal Senior Civil Judge, Kovvur.

The petitioner herein is the Judgment-debtor (J.Dr). The respondent-Decree holder obtained a decree on 27-01-2010 against him in O.S.No.14 of 2008.

Since the decree was not satisfied, the respondent filed E.P.No.23 of 2011 to execute the decree for realization of a sum of Rs.1,31,385/-.

The petitioner filed counter stating that on account of serious problems and ailments, his health had been affected and he was living at the mercy of his father-in-law at his house and he had no income.

Trial was conducted in the E.P. and through order dated 22-08-2012, the objections of the petitioner were over-ruled and the E.P. was allowed.

The trial Court held that the respondent had proved that the petitioner had properties worth more than Rs.35.00 lakhs; he was working as a contractor; and Ex.A.3 shows that there is a Beauty parlour in his house.

It held that this probabalizes that he had let-out said house for rent and he is getting rent.

Challenging the same, this Revision is filed.

Heard Sri V.V.L.N.Sarma, counsel for the petitioner and Sri K.Ramesh Babu, counsel for the respondent.

Learned counsel for the petitioner contended that a sum of Rs.60,000/- had been deposited by the petitioner pursuant to the interim orders granted by this Court in Revision and atleast six months should be granted to pay the balance amount.

Learned counsel for the respondent, on the other hand, refuted the same. Respondent counsel contended that suit had been filed in the year 2008 and it had been decreed in the year 2010 and since the petitioner has means to satisfy the decree and is willfully avoiding to do so, the Court below was right in directing his arrest.

I find considerable force in the submission of the counsel for the respondent. The findings of the Court below that the petitioner had means to satisfy the decree are not seriously questioned in the Revision. There is no material placed by the petitioner to doubt the correctness of said findings.

In this view of the matter, the petitioner is granted time up to 19-10-2015 to pay the balance E.P. amount. In default thereof, the petitioner is liable for arrest and the

Civil Revision Petition stands dismissed.

Accordingly, the Civil Revision Petition is disposed of. Miscellaneous Petitions, if any, pending in this Revision shall stand closed.

M.S. RAMACHANDRA RAO, J

17-08-2015,
nvl