

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.266 of 2015

ORDER :

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioner-judgment debtor aggrieved by the order and decree dated 16.12.2014 in E.A.No.450 of 2014 in E.P.No.31 of 2000 in O.S.No.124 of 1995 passed by the Principal Junior Civil Judge, Avanigadda, Krishna District, dismissing the application filed by him under Order 16 Rule 6, r/w. Order 16 Rule 1(3) and Section 151 of C.P.C., seeking to issue summons to the Panchayat Secretary, Gram Panchayat, Avanigadda, to produce the records and to give evidence pertaining to the house tax demand register bearing D.Nos.2-78, 2-69, 2-69/1 and 2-69/2 for the years 2011-12, 2012-13 and 2013-14.

2. The suit in O.S.No.124 of 1995 filed by the respondent-decree holder for recovery of money was decreed as early as on 27.11.1999. The respondent-decree holder filed E.P.No.31 of 2000 for execution of the decree, stating that the petitioner-judgment debtor is having house properties bearing D.Nos.2-78, 2-69, 2-69/1 and 2-69/2. Alleging that the said properties do not stand in his name and to prove the same, the petitioner-judgment debtor filed E.A.No.450 of 2014 to issue summons to the Panchayat Secretary, Gram Panchayat,

Avanigadda, to produce the records and to give evidence pertaining to the house tax demand register bearing D.No.2-78, 2-69, 2-69/1 and 2-69/2 for the years 2011-12, 2012-13 and 2013-14. Through the impugned order dated 16.12.2014, the Court below dismissed the said application on the ground that it is the duty of the decree holder to prove the means of judgment debtor in sending civil imprisonment. Aggrieved by the same, the present civil revision petition is filed.

3. Heard learned counsel for the petitioner and perused the impugned order.

4. It is to be seen that in a suit for recovery of money, decree was passed in favour of the respondent-decree holder on 27.11.1999. If the properties mentioned by the respondent-decree holder in E.P.No.31 of 2000 do not belong to the petitioner-judgment debtor, it is for him to prove the same by adducing cogent and convincing evidence in execution proceedings. But, only on the ground that the said properties do not stand in his name, the petitioner-judgment debtor is not entitled for the relief sought in E.A.No.450 of 2014 for issuance of summons to the Panchayat Secretary, Avanigadda. Having regard to the reasons assigned by the Court below, this Court is not inclined to interfere with the order impugned in this revision.

5. Accordingly, this civil revision petition is dismissed as devoid of merits. As a sequel, miscellaneous petitions

pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY

06.02.2015.

Msr

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