

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.4004 of 2015

Date: 28-12-2015

Between:

Kurapati Venkata Siva Prasad

.. Petitioner

AND

M/s. Savani Transport Ltd., represented by its

Branch Manager, Tenali, Guntur District

.. Respondent

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Revision Petition No.4004 of 2015

ORDER:

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The plaintiff-decree holder is the petitioner herein. He filed O.S.No.84 of 2008 on the file of Additional Senior Civil Judge, Tenali, for recovery of money and a decree was passed on 20-11-2009 for an amount of Rs.1,27,500/-. The appeal in A.S.No.88 of 2010 was dismissed on 23-09-2011 and a second appeal in S.A.No.771 of 2012 was also dismissed on 07-02-2014. After dismissal of the appeals, the petitioner herein filed E.P.No.106 of 2014 for arrest of the Branch Manager of the defendant company. The said application was dismissed as not maintainable against the Branch Manager of the defendant company personally by order dated 03-08-2015 by holding as follows:

“.....It is a fact that the J.Dr is a company and it is having several

branches all over India and one branch is at Tenali represented by its Branch Manager against whom the present petition was filed. Admittedly the decree passed in this case is against a company but not against any of its employee.

In this case, the Branch Manager is representing the J.Dr's company but not in his individual capacity. No personal decree was passed against the Branch Manager. The Branch Manager is neither a director nor in any way concerned with the J.Dr's company or with the profits and losses of the J.Dr company. Further he is no way connected with the assets of the company.

In the said circumstances, when there is no personal decree against the branch manager and when he is no way connected with affairs of the company and when he is representing the J.Dr's company as an employee for salary, how he can be arrested for the liability of his company is not explained by the D.Hr. The D. Hr has to opt other modes of execution for recovery of his damages by proceeding against company as per law. The method of filing this petition against employee of the J.Dr. is not acceptable under law. As such, this Court held that the Branch Manager of the J.Dr company is not at all liable for the liability of company and as such prayer for his arrest and detention is not maintainable.

As the petition is not maintainable against the Branch Manager of the J.Dr's company personally the question regarding his means is immaterial...."

A perusal of the Execution Petition and the impugned order makes it clear that the order passed by the learned Additional Senior Civil Judge, Tenali on 03-08-2015 does not warrant any interference.

Accordingly, the Civil Revision Petition is dismissed. However, this order will not preclude the petitioner herein from filing another Execution Petition for realization of the decretal amount. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 28-12-2015

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