

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.4535 of 2015

ORDER:

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Heard learned counsel for petitioner/ D.Hr before admission and before ordering notice to respondent/J.Dr.

Impugning the order dated 14.07.2015 of the Senior Civil Judge, Proddatur, Kadapa District passed in E.P. No.14 of 2013 in O.S. No.244 of 2012 dated 14.07.2015, dismissing the application to arrest the respondent/ JDr in saying despite got sufficient means to pay the decree debt and thereby liable to be arrested, the Civil Revision Petition is filed. Even from the evidence on record, J.Dr agreed to pay the decree debt after selling the land. Exs.A1 and A2 are 1-B Namuna and No.3 Adangal Pahani, respectively. The revenue records of property infact shows the property in question is standing in the name of father of J.Dr and there is nothing to show the property is an ancestral property and the J.Dr has got any share or interest by birth therein with his father to share. Thus, in the absence of such a proof for this Court while sitting in revision, there is nothing to interfere much less to revise the impugned order of the learned Senior Civil Judge.

Accordingly, the Civil Revision Petition is dismissed. However, the observation of the lower Court in the impugned order or of this Court herein dismissing the revision do not come in the way if the D.Hr is able to show from any material that the property is the ancestral property and the J.Dr got share and means therefrom to file fresh EP.

Consequently, miscellaneous petitions, if any pending in this petition, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:18-12-2015

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