

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

CIVIL REVISION PETITION No.3686 of 2014

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ORDER:
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This Civil Revision Petition is filed challenging the docket order dt.12-09-2014 in E.P. No.61 of 2012 in O.S.No.240 of 1996 of the Additional Senior Civil Judge, Tirupati.

2. The petitioner herein is Judgment Debtor in the said E.P. The said suit for recovery of money was filed by respondent against petitioner, which was decreed and the said decree became final. E.P. was filed for recovery of the suit amount by detaining the petitioner in a civil prison under Order XXI Rules 37 and 38 CPC.

3. The petitioner remained absent. He was set exparte and direction was given to arrest him by issuing Rule 38 warrant on 01-04-2014 returnable by 30-04-2014.

4. On 21-04-2014 the petitioner appears to have filed a memo before the Court below stating that he had already paid Rs.50,000/- to respondent and that he undertakes to pay the balance of Rs.4,10,000/- on or before 02-06-2014 to respondent. He undertook to pay the said amount and face consequences if he fails to pay the balance amount

on 02-06-2014. Certified copy of the said memo is placed before me by the learned counsel for respondent.

5. Thereafter docket order dt.12-09-2014 was passed by the Court below to arrest him on payment of batta by 24-10-2014 since admittedly the decree was not satisfied by petitioner by 02-06-2014.

6. The learned counsel for petitioner, when confronted with the memo dt.21-04-2014 produced by the learned counsel for respondent containing the undertaking of petitioner to pay the balance amount of Rs.4,10,000/- by 02-06-2014, states that he has no instructions on this issue.

7. The learned counsel for respondent has produced the certified copy of the said memo, which appears to be signed by petitioner. It is unfortunate that by suppressing this fact, this Revision has been filed.

8. Having regard to this conduct on the part of petitioner, this Civil Revision Petition is dismissed with costs of Rs.5,000/- (Rupees Five Thousand only) to be paid by petitioner to respondent within four weeks from the date of receipt of a copy of this order.

9. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 17-06-2015

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