

HON'BLE SRI JUSTICE S.V.BHATT
CIVIL REVISION PETITION No.3296 of 2015

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ORDER:

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Heard Sri A.Satish Babu, learned counsel for the petitioner and Sri T.C.Krishnan, learned counsel for the respondent.

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The parties to this revision are brother and sister and are working out remedies under Order 21 Rule 32 of the Code of Civil Procedure by putting to execution the decree in O.S.No.181 of 2008 in the Court of the Principal Junior Civil Judge, Nellore. The principal allegation of the respondent/decreed holder against the revision petitioner in E.P.No.402 of 2013 to invoke Rule 32 of Order 21 of the Code of Civil Procedure is as follows:

“The DHR on the next day morning took photograph of the traces of removed ridge. The DHR submits that though the JDR is well aware of the permanent injunction order in favour of the DHR and against the JDR, he wilfully removed the western side ridge of the item No.1 of the suit schedule property by disobeying the permanent injunction order. Hence, the JDR is liable to be detention in civil prison for disobedience of the permanent injunction. The JDR is preventing the DHR to do agricultural operations in the suit schedule property. Though the JDR is having sufficient means to pay the E.P. amount and neglected to pay the same.”

Admittedly, the revision petitioner has filed counter and contested the E.P. in all force. The revision petitioner filed E.A.No.9 of 2015 to permit him to file additional counter.

With the assistance of learned counsel appearing for the parties, I have gone through the averments in the affidavit filed along with E.A.No.9 of 2015 and also the circumstances which the revision petitioner intends to introduce by filing additional counter. The revision petitioner is aggrieved by the order of the executing Court, whereunder the request to receive additional counter is rejected. I am in full agreement with the findings recorded by the executing Court and I see no reason to interfere with the order impugned in the revision.

The civil revision petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V.BHATT,J

Dt:21.08.2015

kdl