

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

C.R.P.No.3818 of 2014

ORDER:

Heard Sri Suresh Kumar Reddy Kalava, learned counsel for the petitioner and Sri J.Jayanand, learned counsel for respondent.

2. This Revision Petition is filed challenging the order dt.27-08-2014 in O.E.P.No.19 of 2013 in O.S.No.311 OF 2012 of the Principal Senior Civil Judge, Tirupati.

3. The petitioner herein had suffered a decree in the above suit and the above E.P. had been filed seeking a sum of Rs.8.00 lakhs from the petitioner. It was the specific case of the respondent that the petitioner has means to satisfy the decree but was avoiding to do so. Although the petitioner refuted the same, the Court below, on appreciation of evidence, held that the petitioner admitted that he is getting monthly income as professional singer of Annamacharya project of TTD, that it was being credited to his bank account and also the fact that the petitioner is an income tax assessee having a house site worth Rs.1.00 crore in Tirupathi urban area in his wife's name. It therefore held that the petitioner has means to satisfy decree amount but was negligent to satisfy it and

therefore directed his arrest and detention in civil prison after a period of one month from the date of its order.

4. Although the learned counsel for the petitioner now contends that the petitioner is not at all liable for the suit amount, since the decree has already been passed and executing Court cannot go behind the decree, it is not open to petitioner to canvass the said contention in this proceeding. Learned counsel for the petitioner has not been able to place any material before me to show that the finding of the Court below is wrong.

5. Therefore, I do not find any merit in the Revision Petition and the same accordingly dismissed. However, the petitioner is granted one month's time from today to satisfy the decree by depositing the E.P. amount to the credit of the E.P. If not, the order of the Court below is liable to be enforced against the petitioner by his arrest and detention in civil prison. No costs.

6. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-07-2015

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