

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.2170 of 2013

ORDER:

This revision under Section 115 of the Code of Civil Procedure, 1908 ('the Code', for short) by the judgment debtor is directed against the order dated 20.12.2012 of the learned Principal Junior Civil Judge, Anakapalle, passed in EP.No.51 of 2009 in OS.No.168 of 2005 filed under Order XX1 Rules 37 and 38 of the Code requesting to order arrest of the judgment debtor and detain him in civil prison for non payment of the decretal debt inspite of having sufficient means.

I have heard the submissions of Sri M. Radhakrishna, learned counsel for the revision petitioner-judgment debtor. I have perused the material record.

The order impugned in this revision ordering arrest of the judgment debtor and directing issuance of an arrest warrant against him on payment of process was passed on 20.12.2012 on merits and after full-fledged enquiry. On 02.07.2013, this Court while ordering notice before admission directed that there shall be interim stay on condition that the petitioner-judgment debtor deposits half of the decretal amount within four weeks from that date and that on such deposit it shall be open to the decree holder to withdraw the said amount without furnishing any security.

At the hearing, learned counsel for the petitioner fairly submits that the revision petitioner-judgment debtor failed to comply with the said orders of this Court. He placed on record a print out/e-copy of the proceedings sheet of the Court below in the execution petition which reflects that on 20.10.2014 the EP itself was dismissed for non prosecution.

In that view of the matter, this Court is of the view that no cause survives for adjudication in this revision.

Accordingly, the Civil Revision Petition is dismissed.

Miscellaneous petitions pending, if any, in this revision petition shall also stand dismissed. No order as to costs.

M. SEETHARAMA MURTI, J

01.11.2016
Vjl

