

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4322 of 2016

Dated 09th September, 2016

Between:

Sri Chinthala Lakshmi Narayana Murthy

...Petitioner

And

Sri Velamala Vasudeva Rao (died) and others

...Respondents

Counsel for the petitioner: Sri Kuriti Bhaskara Rao

Counsel for the respondents: ---

The Court made the following:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Civil Revision Petition No.4322 of 2016

Dated 09th September, 2016

ORDER:

This civil revision petition arises out of order, dated 12.04.2016, in I.A.No.289 of 2016 in A.SNo.162 of 2009 on the file of the learned II Additional District Judge, Visakhapatnam.

The petitioner filed O.SNo.1162 of 2005 on the file of the learned II Additional Senior Civil Judge, Visakhapatnam for declaration of title and permanent injunction. The suit was decreed in favour of the petitioner. As the respondents did not file the appeal immediately after the disposal of the suit, the petitioner has taken return of the original documents filed in the suit. Later, the respondents filed A.SNo.162 of 2009 in the Court of the learned II Additional District Judge, Visakhapatnam. In the said appeal, they have filed I.A.No.1457 of 2015 for a direction to the petitioner to produce the original documents. The petitioner failed to file counter affidavit resisting the said application. By order, dated 25.11.2015, the said application was allowed by the lower Court ordering the petitioner to produce Exs.A1 to A40, documents. As the petitioner failed to comply with the said order, the respondents filed I.A.No.289 of 2016 under Section 32(a) r/w Section 151 CPC to issue arrest warrant against the petitioner. The petitioner filed counter affidavit, wherein he has taken the plea that as the respondents failed to file the appeal within time, he has taken return of all the original documents; sold the property and handed over the original documents to the purchaser and that the respondents

have filed a separate suit against the petitioner's purchasers for cancellation of the sale deed. On consideration of the rival pleas, the lower Court has allowed I.A.No.289 of 2016 by directing issuance of arrest warrant against the petitioner on payment of batta. Feeling aggrieved by this, the petitioner filed this civil revision petition.

I have heard the learned counsel for the petitioner and perused the record.

The petitioner allowed the order, dated 25.11.2015, in I.A.No.1457 of 2015, to become final. In the counter affidavit filed in I.A.No.289 of 2016, he raised a vague plea that after receiving the original documents, he has alienated the suit schedule property and handed over the original documents to the purchasers. The said plea is bereft of material details, such as, the dates on which the sale deed was executed and registered and the names and details of the purchasers. When a judicial order was passed by a competent Court, it is the bounden duty of the party who suffered the order to comply with the same. Under Section 32 CPC, the Court may compel the attendance of any person to whom a summons has been issued under Section 30 CPC and for that purpose may *inter alia* issue a warrant for his arrest. Due to the default on the part of the petitioner in producing the original documents, despite the order passed in I.A.No.1457 of 2015, the lower Court has exercised its power vested in it under Section 32(a) of CPC. Therefore, on the facts and circumstances of the case, I do not find any jurisdictional error on the part of the Court below in passing the order under revision.

Hence, the civil revision petition is dismissed.

As a sequel to dismissal of the CRP, CRP.MP.No.5630 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th September, 2016
VGB

