

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

C.R.P.NO.3494 OF 2016

ORDER

The petitioner herein who is a decree-holder, filed O.S.No.162 of 1995 on the file of Principal Junior Civil Judge, Srikalahasti seeking injunction, which was decreed and the appeal filed in A.S.No.1/1999 by the defendants/judgment debtors, ended in dismissal. Alleging that the defendants interfered with his peaceful possession and enjoyment, and thereby committed wilful disobedience of the decree and judgment, the decree holder filed E.P.No.19/2012 in O.S.No.162/1995 under Order 21, Rule 32 of C.P.C. for committing the defendants/judgment debtors to civil prison. By the impugned order, the court below dismissed the petition. Hence the revision.

From a perusal of the material on record, it could be seen that for proving wilful disobedience on the part of the judgment debtors, the petitioner examined himself as P.W.1 and also got examined P.W.2 in support of his case. The case of the petitioner is that when the 1st judgment-debtor entered into the E.P. schedule property, he lodged report with KVB Puram Police Station. But he failed to produce any copy of the complaint before the court. P.W.2 deposed that he did not remember when the judgment debtors tried to interfere with the possession and enjoyment of the E.P. schedule properties. Considering the evidence on record, the court below found that the decree holder failed to prove that the first judgment debtor along with other

judgments 2 to 6 entered into E.P. Schedule property and tried to interfere with his possession and enjoyment, and thereby disobeyed the injunction orders of the court.

Since, no positive evidence has been adduced by the petitioner to prove that there was any violation of the decree, the trial court dismissed the E.P. I do not find any reason to interfere with the findings recorded by the court below based on evidence on record. Hence, the revision is liable to be dismissed.

Accordingly the revision is dismissed at the stage of admission. No costs.

Miscellaneous petitions pending if any, shall stand closed.

It is needless to observe that if there is any violation of the decree, the petitioner is always at liberty to take recourse in accordance with law.

05—08—2016

AVS