

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 5337 OF 2009

ORDER:

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This Civil Revision Petition is filed challenging the order dated 07.09.2009 passed by the learned Principal Junior Civil Judge, Guntur, dismissing E.P.No.1177 of 2008 in O.S.No.1800 of 2006.

The petitioner herein is the decree holder in the suit O.S.No.1800 of 2006 filed by him based on the chit agreement. The said suit was decreed in his favour. After giving credit to the amount already paid, he filed E.P.No.1177 of 2008 claiming Rs.40,330/- for execution of the decree, alleging that the respondents 2 & 3/Judgment Debtors 2 & 3 had means to pay, but they are avoiding payment of decreetal amount. The decree is sought to be executed seeking arrest of the Judgment Debtors. However, the EP came to be dismissed by recording a finding that the Judgment Debtors do not have means to pay the decreetal amount and after taking into consideration the fact that Judgment Debtor 2 is ready and willing to pay Rs.2000/- per month.

Today when the matter is taken up for consideration, learned Counsel for the respondents submits that as the Judgment Debtor No.2 is working as Junior Clerk in APSRTC, and if he is given some breathing time and permitted to pay the amount in equal monthly installments, amount in due as per judgment and decree shall be discharged.

Considering the submission made by the learned

Counsel for the respondents, the order under revision is set aside subject to the condition of Respondent No.2/Judgment Debtor No.2 makes the payment of the amount in due in four monthly equal installments on or before 10th of every month, commencing from 10th September, 2016, after giving credit to the amount already paid. In the event of default of payment of any installment, the petitioner is at liberty to proceed in accordance with law.

The Civil Revision Petition is allowed to the extent indicated above. Miscellaneous petitions pending consideration if any in the Civil Revision Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 16TH AUGUST, 2016.

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