

THE HON'BLE SRI JUSTICE S.V. BHATT

C.R.P.No.989 OF 2016

ORDER:

The revision is directed against the order dated 31.12.2015 in E.P.No.28 of 2012 in O.S.No.18 of 2007 in the Court of Senior Civil Judge, Kovur. The executing Court through the order impugned in the revision ordered arrest of the revision petitioner.

The findings of the Court below in the order under revision read as follows:

“No doubt here the decree holder not filed any record showing the income of the judgment debtor. But here through the clear admissions of the judgment debtor, he is having another land an extent of Ac.5-00 cents situated at Kothapalem village, which is his self acquired property and the lands which are stated above are fetching the income. Further the evidence of the judgment debtor is that there is standing crop in the said land, so the decree holder can attach the same to realize the decree amount. Further contended that his son is receiving the income from that land. So, here it is the burden of the judgment debtor to show that the income from his lands receiving his son or the said lands are cultivating by his son by filing any record to that effect.”

On 29.02.2016, this Court while ordering notice before admission granted interim stay of arrest subject to the revision petitioner depositing 50% of the E.P. amount within four weeks therefrom. It is matter of record that the condition imposed by this Court is complied with. At the time of hearing, learned counsel appearing for the parties made detailed submissions on the merits and demerits of the order under revision.

Prima facie, after perusing the findings of the Executing Court excerpted above, this Court is of the view that no exception can be taken to the reasons recorded by the executing Court. The learned counsel appearing for the petitioner submits that the revision petitioner

may be given six more months time to pay the balance of 50% of the E.P. amount. The counsel appearing for respondent submits that while disposing of the revision, this Court can consider granting reasonable time and confirm the findings of the executing Court and extend the interim order granted on 29.02.2016.

Having regard to the above submissions, while confirming the findings recorded by the executing Court, to meet the ends of justice, the revision is disposed of as follows:

“The revision is ordered by extending the interim order by six months from today subject to the revision petitioner paying the balance EP amount. If the revision petitioner fails to pay the balance EP amount, it is made clear, without reference to this Court, the stay of arrest is vacated and the executing Court can proceed with the matter in accordance with law. The respondent is permitted to withdraw the amount already deposited and that would be deposited, without furnishing security. There shall no order as to costs”.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

Date:20.04.2016

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