

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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Civil Revision Petition No.2682 of 2014
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ORDER:

This Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 by the respondent/Judgment Debtor is directed against the order dated 05.08.2014 of the learned Junior Civil Judge, Satyavedu passed in EP.no.8 of 2013 whereby the learned Judge while over-ruling the objections of the JDr in the counter had ordered his arrest and directed issuance of a warrant against him on payment of the process by the Decree Holder.

2. I have heard the submissions of the learned counsel for the revision petitioner/JDr ('the JDr', for brevity) and the learned counsel for the respondent/DHr ('the DHr', for brevity).

3. At the hearing, it is fairly submitted that as per the condition imposed by this Court while granting interim order, the JDr had deposited Rs.30,000/- to the credit of the EP and that the DHr had not yet withdrawn the said amount.

4. Having regard to the facts and circumstances, the learned counsel for the JDr would request that the JDr may be granted a time of four months or at least till the end of July, 2016 for payment of the entire balance amount in four instalments. The learned counsel for the DHr would submit that in view of the fact that the JDr is a substantial person having means to pay the decree debt, time till the end of June, 2016 may be granted as the amount still due and payable is around Rs.60,000/- after giving credit to Rs.30,000/- which is already deposited by the JDr.

5. In view of the aforesaid submissions, there is no need to go into the merits of the matter and pass any orders on merits.

6. Recording the submissions, the Civil Revision Petition is disposed of.

The JDr is given time till 30.06.2016 for payment of the entire balance decree debt including interest and costs towards full and final settlement. It is made clear that failing such payment, the DHr is entitled to request the Court below to issue warrant of arrest as per the orders impugned in this revision for arrest of the JDr on payment of process by the DHr. It is needless to mention that the DHr is permitted to withdraw the amount already deposited and also the further amounts, which the JDr may deposit pursuant to the order of this Court as and when deposited, without furnishing any security by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

11th April, 2016

Note: Issue CC by 18.04.2016.

(B/o)

Vjl