

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CIVIL REVISION PETITION No.4492 OF 2010

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ORDER:

Heard the learned counsel for the petitioner. In spite of service of notice, none appeared for the respondent.

2. This Civil Revision Petition is filed challenging the order, dated 31.08.2010, in E.A.No.58 of 2009 in E.P.No.123 of 2006 in O.S.No.1225 of 2004 passed by the III Additional Senior Civil Judge, Vijayawada, whereby the Court below dismissed the application.

3. The petitioner herein is the judgment debtor and the respondent is the decree holder in E.P.No.123 of 2006. The respondent sought for arrest of the petitioner to realize the decretal amount in O.S.No.125 of 2004. Accordingly, the trial Court issued warrant of arrest to the petitioner. Against the said order, the petitioner filed C.R.P.No.4573 of 2008 before this Court on the ground that he has no capacity to discharge the decree debt and he also filed I.P.No.28 of 2009 before the II Additional Senior Civil Judge Court, Vijayawada to adjudge him as an insolvent.

4. By an order, dated 24.10.2008 this Court directed the petitioner to deposit half of the decretal amount. But, the petitioner failed to deposit the same. Thereafter, this Court while disposing of the said revision petition directed the petitioner to deposit the balance decretal amount to the credit of E.P.No.123 of 2006 in O.S.No.1225 of 2004 within two months from 18.06.2010. But, the petitioner failed to comply with the order passed by this Court. Further, I.P.No.28 of 2009 filed by the petitioner was also dismissed for default by the II Additional Senior Civil Judge, Vijayawada on 10.03.2010.

5. In the present C.R.P., this Hon'ble Court by an order, dated 30.09.2010 granted

stay of all further proceedings including arrest of the petitioner in E.P.No.123 of 2006 in O.S.No.1225 of 2004 for a period of eight (8) weeks only. Thereafter, no steps were taken to seek extension of the said interim order.

6. In view of the fact that I.P.No.28 of 2009 is dismissed for default and the application filed for restoration of the said I.A. is stated to be pending consideration, the impugned order cannot be suspended. Further, the request of the petitioner to recall the arrest warrant at this point of time does not arise.

7. Accordingly, the Civil Revision Petition is disposed of directing the petitioner to avail the remedies, if any, available under law including filing of any the application for protection. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

FEBRUARY 12, 2016

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Dt: 12.02.2016

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