

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.1113 of 2012

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Date:05.02.2016

Between:

Sri Anujit Bhowmik

... Petitioner.

AND

M/s.Margadarsi Chit Fund
Ltd., Rep by its Branch
manger, Y.B.R. Prasad and
others.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CRP No.1113 of 2012

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ORDER:

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This revision is filed by J.Dr in E.P.No.148/2010 in O.S.No.1106/2009 questioning order dated 30-11-2011 through which, Executing Court ordered for detention of J.Dr Nos.1, 3 & 5 in Civil Prison for realisation of the decretal amount.

2. This Court, while ordering notice before admission, granted interim stay on condition of payment of Rs.10,000/- by the revision petitioner, who is J.Dr No.5 in the E.P., on or before 23-06-2012. When the Advocate for respondent-D.Hr represented that the

conditional order dated 12-03-2012 has not been complied with, advocate for revision petitioner took time on 28-03-2014 to file affidavit of the party in proof of compliance of the order dated 12-03-2012. When this matter has come up on 29-01-2015, Advocate for revision petitioner took further time till this day. Today when the matter is taken up, Advocate for respondent-D.Hr filed affidavit of the D.Hr stating that the order dated 12-03-2012 has not been complied with and no amount is deposited.

3. As seen from the material, the decree holder produced evidence and means of J.Dr Nos.1, 3 & 5 was duly proved and among them, the revision petitioner herein is fifth J.Dr. There is no jurisdictional error or illegality in the findings recorded by the trial Court with regard to means of the revision petitioner. When this Court has shown sympathy towards the revision petitioner and directed him to deposit Rs.10,000/- to show his boanafides, he has not complied with the said order. Taking these aspects into consideration, I am of the view that the revision is devoid of merits and there is no jurisdictional error or illegality in the findings of V Additional Junior Civil Judge, Visakhapatnam and the Court below rightly ordered for arrest of the revision petitioner for not paying the decretal amount while having sufficient means.

4. For these reasons, the revision is dismissed as devoid of merits. No costs.

5. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:05.02.2016

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