

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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Civil Revision Petition No.481 of 2016

ORDER:

Despite service of notice, neither are the respondents present nor has any counsel entered appearance on their behalf. Heard Mrs.T.V.Sridevi, Learned Counsel for the petitioner.

The order under revision was passed by the VI Additional Senior Civil Judge, Visakhapatnam in E.P.No.111 of 2011 in O.S.No.1449 of 2007 dated 20.01.2016. E.P.No.111 of 2011 was filed, under Order 21 Rules 37 and 38 CPC, to arrest the 1st J.Dr, to commit him to civil prison, and realize the decretal amount. In the order under revision, the Court below noted that the 1st J.Dr was an employee in Naval Dockyard; it was the case of the decree-holder that the 1st J.Dr was drawing a monthly salary of Rs.20,000/-; the earlier E.P. was dismissed on 07.03.2011 on the ground that the 1st J.Dr's salary was already under attachment; as on date there was no attachment from the salary of the 1st J.Dr; in cross-examination, the decree-holder had suggested that the 1st J.Dr was drawing Rs.40,000/- as salary; while the 1st J.Dr denied the said suggestion, he did not file his salary certificate; and an adverse inference was required to be drawn against him for his failure to do so. The Court below directed the 1st J.Dr to be sent to civil prison for a period of one month on payment of necessary jail expenses.

By its order dated 29.01.2016, this Court granted interim stay on condition that the petitioner deposited Rs.1,00,000/- (Rupees One Lakh only) within two weeks. Mrs.T.V.Sridevi, Learned Counsel for the petitioner, would submit that the petitioner has complied with the interim order, and Rs.1,00,000/- was deposited with the Court below within the time stipulated by this Court.

Learned Counsel would further submit that the E.P. amount is Rs.2,88,198/- out of which Rs.1,00,000/- has been deposited, and the balance amount due is only Rs.1,88,198/-. She would request that the petitioner be permitted to repay the said amount in monthly installments of

Rs.8,000/- each. Accepting such a request would require this Court to permit the petitioner to repay the amount due in 24 installments spread over a period of two years. I see no reason, therefore, to accede to such a request. The petitioner shall repay the balance amount in 12 equal monthly installments starting from 15.04.2016. Failure to pay any one of these monthly installments, on or before the 15th of each month, would revive the order passed by the Court below; and it would then be open to the Court below to take action in accordance with law.

The Civil Revision Petition is, accordingly, disposed of. The Miscellaneous Petitions, if any pending, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, J)

Date:01.04.2016.

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