

HONOURABLE SRI JUSTICE M.SEETHARAMA MURTI

C.R.P.No.2350 of 2015

ORDER:

The unsuccessful Judgment Debtor had filed this Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 assailing the orders dated 11.06.2015 in E.P.No.1 of 2013 in O.S.No.5 of 1999 on the file of the Court of the learned Additional District Judge, Tirupati, whereby the Court below directed for providing police aid for arrest of the Judgment Debtor and had further directed the Decree Holder to follow the Field Assistant of the Court at the time of arrest of the Judgment Debtor.

2. I have heard the submissions of the learned Counsel for the petitioner/Judgment Debtor and also the learned Counsel for the respondent/Decree Holder. I have perused the material record.

3. The Execution Petition No.1 of 2013 was filed by the respondent/Decree Holder for recovery of Rs.18,53,586/- with interest and costs. The only submission of the learned Counsel for the petitioner/Judgment Debtor is that the Judgment Debtor had paid more than Rs.9,00,000/- and that as per the calculation of the Judgment Debtor, the entire decree amount has been paid and that no further amounts are due to the Decree Holder.

4. Be that as it may, it is an admitted fact that the order of the Executing Court was passed on merits and the plea of the Judgment Debtor was already considered and rejected by the Executing Court. The said order has become final. Therefore, the plea of discharge is not open to the Judgment Debtor in this

revision petition. Viewed thus, this Court finds that the impugned order brooks no interference and that the revision petition is devoid of merit and is liable to be dismissed.

5. However, having regard to the facts and circumstances of the case, the petitioner/Judgment Debtor is granted one month time from today for paying the entire balance decree debt. Failing such compliance, it is made clear that the Executing Court is at liberty to issue fresh warrant of arrest against the Judgment Debtor with a further direction to provide police aid to the Field Assistant of the Court for arrest of the Judgment Debtor.

6. The Civil Revision Petition is accordingly disposed of. No order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

18-02-2016

Note: Issue C.C. by two days.

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Gsn