

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

C.R.P.No. 996 of 2016

ORDER :

Heard the learned counsel for the revision petitioner vis-à-vis the counsel for respondents 1 to 3. The 4th respondent is not a necessary party to the revision for she is not a beneficiary even in P.L.C No.101 of 2012 under execution in E.P. No.14 of 2013 under Order XXI Rule 37 C.P.C and the revision is maintained impugning the order of the learned District Judge dated 31.12.2015 for arrest of the revision petitioner/ judgment debtor saying despite means he failed to repay the amount covered by the lok adalat settlement under the P.L.C. No.101 of 2012 supra, having granted two months' time therefrom to pay and for the failure to arrest and detain in civil prison. It is the submission of the learned counsel for revision petitioner, drawing attention to the P.L.C award supra, clause No.7 of cooperation of the wife for the husband to file application to compound the criminal case, for the offence under Section 498-A I.P.C and she did not cooperate. There is nothing on record to show her alleged non-cooperation. He did not file any application even so saying muchless moved the Honourable High Court as mentioned in the very clause itself to seek for quashing. Having not filed the quash petition, though condition stipulated for her cooperation to quash and the matter ultimately undisputedly ended in acquittal from her saying it is because of her cooperation he could get

acquittal, that ground is no way available in his favour, muchless to question the order for arrest, covered by the impugned order.

2) Having regard to the above and from his request at this stage, to grant three months time and the revision respondents 1 to 3 agreed for consideration of maximum two months period, two months time is granted from today to clear the warrant amount under execution by kept the warrant in abeyance for two months from today i.e., till 20th November, 2016 so as to liquidate the entire amount due as per the decree under execution, and failing which for whatever amount remained due, the arrest warrant is to be issued to enforce against him. Needless to say, as per the condition No.9 of the award, the decree holders 2 and 3 shall execute the relinquishment deed, before depositing of the warrant amount as stated supra within two months, before the lower Court and if they fail to execute said relinquishment, the Court need not permit withdrawal of the amount by them though deposit made.

3) With the above observations the revision is disposed of. There shall be no order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

19.09.2016
ksh

Dr. B. SIVA SANKARA RAO, J