

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.2577 of 2013

ORDER :

Heard both sides and perused the grounds urged in the revision and the impugned order dated 05.06.2013 in E.P.No.128 of 2012 in O.S.No.1755 of 2001 passed by the Principal Junior Civil Judge, Tuni.

Respondent No.2 to the E.P. is not the J.Dr. but transferor original promisee in favour of the D.Hr. supra of the promissory note debt. A perusal of the impugned order in the execution sought for recovery of the amount covered by the decree by arrest and detention of J.Dr.No.1 shows there is no oath against oath from the evidence of the decree holder by the judgment debtor of his possessing properties and means to his contention by suggestion by doing a coolie work as agricultural coolie with no means and that evidence once establishes the means and he did not choose to come to witness box to rebut the same from the onus shifted, it is a case to order arrest for recovery of the amount holding willfully avoided and if arrest is ordered the amount can be recovered.

Having regard to the above, there is nothing to interfere with the impugned order, but for, granting one month time from the date of receipt of copy of this order to liquidate the entire

amount else to execute decree further by the trial Court, if not already satisfied.

Accordingly, the Civil Revision Petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:20-11-2017
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