

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.1290 OF 2010

ORDER:

Decree holder in EP.No.19 of 2006 in the Court of the Principal Junior Civil Judge, Yellamanchili is the revision petitioner.

The petitioner herein filed EP under Order XXI Rule 32(1) CPC for arrest of respondents 1 and 2 herein. According to him, respondents 1 and 2 herein have violated the injunction granted in O.S.No.65 of 2000. The parties have joined issue on whether the respondents, in fact, committed the act of commission or omission warranting arrest under Rule 32(1) of Order 21 CPC. The petitioner, including himself, examined four witnesses and the 1st respondent was examined as R.W.1. The executing Court, after considering the oral evidence adduced by the parties, found that the petitioner failed to make out a case for arrest under Rule 32 of Order 21 CPC. Hence, the revision.

On 16.12.2011, the revision was dismissed against respondent No.2.

Mr.Bala Subrahmanyam, appearing for petitioner, tried to convince this Court that the findings recorded by the executing Court are untenable and illegal. Though a ground challenging the findings is raised at the time of hearing, the same could not be successfully established. After perusing the findings recorded by the executing Court, this Court is of the view that the findings now challenged are recorded on appreciation of evidence brought on

record by the parties. Therefore, no ground for interference is made out.

The revision fails and is accordingly dismissed. There shall be no order as to costs.

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

31st January, 2017

Lrkm

S.V.BHATT, J

