

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.3477 OF 2016

ORDER:

This Civil Revision Petition under Section 115 of the Code of Civil Procedure is filed challenging the order dated 04.04.2016 passed in E.P.No.38 of 2015 in O.S.No.58 of 2012 by the Junior Civil Judge, Atmakur, SPSR Nellore District.

Revision Petitioner is the judgment debtor whereas the respondent is the decree holder. As the petitioner failed to pay the decretal amount, E.P.No.38 of 2015 was filed by the respondent contending that though the petitioner is working as Conductor in APRTC and had sufficient means to pay the decretal amount, he failed to pay the same. The Court below having considered the submission of the respondent that *in spite* of having means the petitioner was evading the payment of the decretal amount, has allowed the E.P. directing the petitioner to be detained in civil prison till realization of the amount. Aggrieved over the same, present Civil Revision Petition is filed.

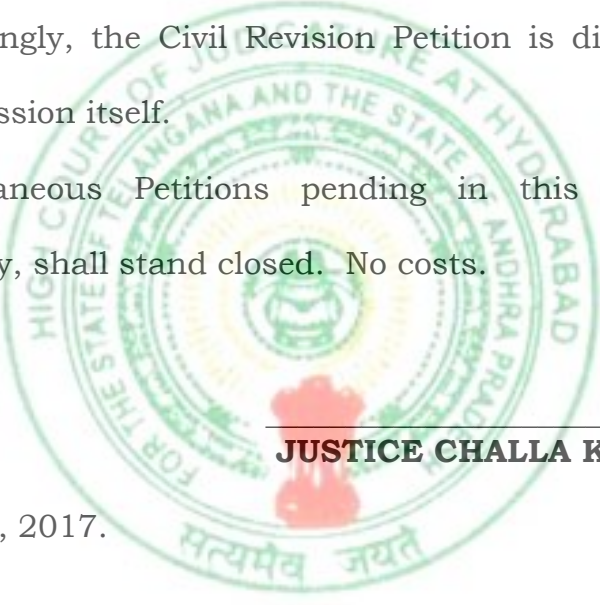
Considering the fact that the petitioner is an employee working in APSRTC, on 22.07.2016 this Court granted interim stay for a period of twelve weeks subject to condition of the petitioner paying 50% of the decretal amount within a period of four weeks therefrom. Thereafter, the matter was listed on 02.12.2016, on which date, again the matter was adjourned at the request of the learned counsel for the petitioner. Thereafter, one more opportunity was given on 27.01.2017 granting two weeks' time for compliance of the order of this Court.

Today, the learned counsel for the petitioner submits that *in spite* of intimation, his client is not complying with the order of this Court. In such a situation, this Court is not inclined to adjourn the matter further.

As can be seen from the material on record, it is not in dispute that the petitioner is an employee working as Conductor in APSRTC. Thus, it is clear that the petitioner is having means to make payment for satisfying the E.P. amount. In these circumstances, the order of the Court below cannot be find fault with and the revision petition is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed at the stage of admission itself.

Miscellaneous Petitions pending in this Civil Revision Petition, if any, shall stand closed. No costs.



JUSTICE CHALLA KODANDA RAM

21st February, 2017.

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