

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

C.R.P.No.4079 of 2012

ORDER:

Heard the learned counsel for the petitioner Sri Gudapati Venkateswara Rao and Sri E.V.S.Ravi Kumar for the respondents.

2. The order of arrest dated 19.04.2012 passed by the First Additional Senior Civil Judge, Kakinada in W.P.No.47 of 2011 in O.S.No.3 of 2003 is under challenge in the present revision.

3. The suit instituted by the respondent/Chit Fund Company i.e., O.S.No.53 of 2003 for recovery of amount on the foot of chit fund transaction was decreed by the Court below on 28.10.2003. The decree-holder/respondent herein filed E.P.No.47 of 2011 for recovery of a sum of Rs.3,19,118/- by way of arrest of the judgment debtor/petitioner herein. The Additional Senior Civil Judge, Kakinada by way of the order under challenge, allowed the E.P., and ordered to issue arrest warrant to the petitioner herein. Against the said order, this revision came to be instituted.

4. This Court, while issuing notice on 27.08.2012, granted interim stay subject to the condition of the petitioner depositing 50% of the E.P amount within four weeks and according to the learned counsel for the petitioner, the said amount was deposited within the time stipulated and the decree holder had withdrawn the same.

5. According to the learned counsel for the petitioner, the order under challenge is erroneous and contrary to law and cannot be sustained. On the other hand, it is submitted by the learned counsel for the respondent that there is no illegality in the impugned order.

6. A perusal of the order under challenge clearly discloses that for ordering arrest of the judgment debtor/petitioner herein the learned first additional Senior Civil Judge, assigned cogent and convincing reasons and in view of the same, this Court is not inclined to meddle with the said reasoned order.

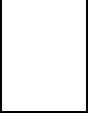
7. For the aforesaid reasons, the revision is dismissed. However, the petitioner herein is granted six months time from today for payment of entire balance amount. It is further made clear that in the event of failure to comply with the said condition, it is open for the respondent herein to proceed in accordance with law. The interim order granted by this Court on 27.07.2005 shall continue for a further period of six months from today. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 31.08.2017

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Dated 31.08.2017

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