

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CIVIL REVISION PETITION No.3047 of 2010**

**ORDER :**

The respondent/decreed-holder is served and failed to attend, taken as heard and heard learned counsel for the revision petitioner/judgment-debtor.

2. It is impugning the order, dated 19.04.2010, in the E.P.No.213 of 2017 of the decree in O.S.No.200 of 2002 passed by the Principal Junior Civil Judge, Tiruvuru of Krishna District, for arrest of the judgment-debtor for realization of the decree debt, the revision is filed.

3. The grounds urged in the revision are that the impugned order is unsustainable and baseless and without appreciation of the evidence on record despite there are no means and there is nothing to show any willful non-payment despite means of the alleged decree debt.

4. A perusal of the order of the lower Court particularly with reference to the evidence of PWs.1 and 2 and RW.1 covered by para No.7 clearly speaks the judgment-debtor got cultivable land of Ac.3.50 cents in Sy.No.21 of Kothapalli Village besides the residential house and the judgment-debtor also as RW.1 admitted about the said land of Ac.3.50 cents and PW.2-Village Revenue Officer also deposed about the said land of Ac.3.50 cents in Sy.No.21 of Kothapalli Village and it is there from rightly concluded by the

lower Court that for nothing even chosen to pay by the judgment-debtor despite means he is willfully avoiding to pay.

5. Having regard to the above, there is nothing to interfere with the said order of the lower Court, but for granting some time to pay.

6. Accordingly and in the result, the civil revision petition is disposed of. Granting eight (8) weeks time from the date of receipt of a copy of this order to liquidate entire decree debt else the trial Court shall proceed further with the order for arrest of the judgment-debtor by enforcing the warrant for recovery.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

30<sup>th</sup> November 2017.

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**Dr. B. SIVA SANKARA RAO, J**

