

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.1636 of 2010

ORDER:

This Civil Revision Petition is filed against the order dated 11.03.2010 passed by the III Addl.Senior Civil Judge, Vijayawada, in EP.No.61 of 2006 in OS.No.173 of 2004, wherein the Court below allowed the EP filed by the 1st respondent herein/Decree Holder, directing arrest of the petitioner herein/J.Dr.No.1.

Learned counsel for the petitioner/J.Dr.1 submits that the Court below has not properly considered the submissions made by the petitioner/J.Dr.No.1 in proper perspective and that the finding of the Court below that the petitioner has sufficient means to pay decretal amount is erroneous. He also submits that the petitioner/J.Dr.No.1 has no means to pay the decretal amount, as such the order is erroneous.

In this case it is to be seen that the Court below after considering the issue elaborately by relying on several Judgments and after going through the evidence adduced by both the parties, held at para 19 of the order as follows;

“Hence after considering the entire evidence adduced by both parties and in view of the principal of law laid down by the Hon'ble High Court in *V.Surya Rao's case (1997 (6) ALD at page 122)* I hold that Judgment Debtors 1 and 2 have got sufficient means to pay the decree amount in

OS.No.173/2004 or substantial part thereof since the date of decree against them and they are refusing and neglecting to pay the decree amount in OS.173/2004. I answer this point accordingly in favour of the decree holder and against the Judgment Debtors 1 and 2.”

A reading of the impugned order goes to show that it is a well considered order; and that the Judgment Debtors 1 and 2 have got sufficient means to pay the decretal amount in OS.No.173/2004. Nothing brought to my notice for interdicting the finding of fact arrived at by the Court below. More so, the Court below by relying on several Judgments and after going through the evidence of both parties came to correct conclusion. In view of the same, I do not find any infirmity in the said order.

Accordingly, the CRP is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

31.08.2017
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