

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.3193 of 2017

ORDER:

The present Civil Revision Petition, under Section 115 of the Code of Civil Procedure (for short 'CPC'), came to be filed assailing the order dated 30.06.2016 passed in E.P.No.65 of 2015 in O.S.No.11 of 2014 by the Principal Senior Civil Judge, Tirupathi.

The first respondent-decree holder, who succeeded in O.S.No.11 of 2014, filed E.P.No.65 of 2015 under order XXI Rules 37 and 38 CPC, seeking to arrest the petitioner-judgment debtor and send him to Civil Prison for realization of the E.P. amount of Rs.6,00,095/- together with interest and costs. Vide impugned order, the trial Court allowed the Execution Petition directing the judgment debtor to pay the entire E.P. amount after excluding the payments made by him during the pendency of the E.P., within a period of three months either in lump-sum or in instalments, failing which, the trial Court ordered arrest of the petitioner by issuing Arrest Warrant under Order XXI Rule 38 CPC without any further notice, on payment of process. Aggrieved by the same, present revision came to be filed by the judgment debtor.

Heard the learned counsel for the petitioner.

No representation on behalf of the first respondent.

On 14.07.2017, this Court while issuing notice before admission to the respondents, passed the following conditional order:

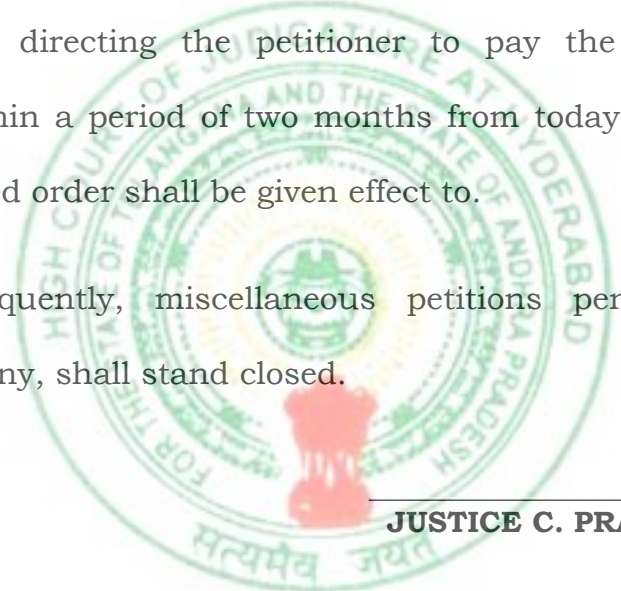
“ There shall be an interim suspension, as prayed for, subject to payment of Rs.1,00,000/- (Rupees One Lakh only) within a period of two weeks from today and

another sum of Rs.1,00,000/- (Rupees One Lakh only) within a period of two weeks thereafter, to the credit of E.P.No.65 of 2015 in O.S.No.11 of 2014 on the file of the Principal Senior Civil Judge's Court, Tirupathi."

Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that order of this Court dated 14.07.2017 has been complied with. He further submits that the petitioner is willing to pay the balance amount, if some time is given.

Considering the facts in issue and also the request made by the learned counsel for the petitioner, the Civil Revision Petition is disposed of directing the petitioner to pay the balance E.P. amount within a period of two months from today, failing which the impugned order shall be given effect to.

Consequently, miscellaneous petitions pending in this revision, if any, shall stand closed.



JUSTICE C. PRAVEEN KUMAR

04.09.2017
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