

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.1868 of 2012

ORDER:

This civil revision petition is filed under Section 115 of the Code of Civil Procedure (for short 'C.P.C.') by the petitioner/Judgment Debtor challenging the order dated 17.02.2012 in E.P.No.256 of 2006 in O.S.No.198 of 2002 filed under Order 21 Rule 37 of C.P.C. passed by the Principal Senior Civil Judge, Ranga Reddy District at Hyderabad directing to arrest the Judgment Debtor for realization of the debt due under the decree dated 06.09.2005 in O.S.No.198 of 2002.

The petitioner raised several contentions before the Court. One of those contentions is that the Decree Holder shall not straight away proceed against the person of Judgment Debtor to realize the decree debt by arrest and he can as well proceed against the salary by way of attachment. The second contention is that he sought for installments. But the executing Court did not accept the contentions on the ground that it is for the Decree Holder to choose proceed in any one of the modes of execution for realization of the decree debt, based on the law declared by this Court in **Patnala Venkata Ramana v Vungantla Appa Rao**¹. Therefore, in view of the law declared by this Court, the order passed by the trial Court cannot be found fault. The second ground is that he sought permission to pay the amount in installment, it is settled principle of law that executing Court cannot go beyond decree. Therefore, there is nothing wrong in the order passed by the trial Court.

However, at the end of the argument, learned counsel for the petitioner sought three months time for payment of balance amount after deducting the amount deposited by the petitioner in pursuance of the direction issued by this Court on 19.04.2012.

¹ 2010(5) ALD 234

Learned counsel for the respondent did not raise any substantial objection for granting three months time.

Acceding to the request of the learned counsel for the petitioner/Judgment Debtor, three months time is granted to the petitioner for payment of balance of decree amount together with costs and interest to the credit of E.P.No.256 of 2006 from today. In the event of failure to discharge the decree debt within the time fixed by this Court, the Decree Holder is at liberty to realize the amount by proceeding in any of the modes of execution.

Accordingly, the Civil Revision Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

Date: 09.06.2017
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M. SATYANARAYANA MURTHY J

