

**HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**C.R.P.No.4538 of 2016**

**ORDER**

This Civil Revision Petition is directed against the order dated 30.08.2016 passed in E.P.No.34 of 2015 in O.S.No.278 of 2007 by the Principal Junior Civil Judge, Chirala.

The petitioner is the judgment-debtor and respondent is the decree-holder.

The decree-holder filed O.S.No.278 of 2007 for recovery of an amount of Rs.68,800/- and the same was decreed on 17.10.2014. When the judgment-debtor failed to pay the said amount, the decree-holder filed E.P.No.34 of 2015 seeking detention of judgment debtor in civil prison, for realization of the said amount and for costs.

In the chief-affidavit filed before the trial Court, the decree-holder stated that the judgment-debtor, who was working as TTI in Railways, was drawing Rs.1,25,000/- per month and owns three storied building worth Rs.50,00,000/- at Palamarthivari Veedhi, Weavers Society, Perala, Chirala, and also a vacant site worth Rs.2,00,00,000/-.

The said statement was admitted by the judgment-debtor in his counter. However, the defence of the judgment-debtor is that he needs Rs.2,00,000/- for his heart

surgery and that he is going to get Rs.44,00,000/- towards retirement benefits.

The trial Court came to the conclusion that the decree-holder established the means of the judgment-debtor and his conduct in evading payment of the EP amount. Accordingly, the trial Court has ordered detention of the judgment-debtor in civil prison for realization of the EP amount.

Learned counsel appearing for the petitioner submits that half of the decretal amount was already paid.

This Court ascertained from the counsel appearing for the petitioner as to whether the judgment-debtor is willing to pay the balance amount or to confirm the order impugned.

In those circumstances, learned counsel appearing for the petitioner sought time for payment of the amount in installments.

Keeping in view the request of the learned counsel for the petitioner, the judgment-debtor is directed to pay the balance amount in two equal monthly instalments. The first instalment shall be paid on or before 15.3.2017 & the second instalment shall be paid on or before 15.4.2017. As and when such instalments are paid, the respondent-decree holder is permitted to withdraw the same without furnishing any

security. In case the judgment-debtor fails to pay the said instalments, the order impugned passed by the trial Court shall be enforced.

Civil Revision Petition is disposed of accordingly. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE A.RAMALINGESWARA RAO

10<sup>th</sup> February, 2017  
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