

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5099 of 2017

Date:06.10.2017

Between:

Polavarapu Poorna Venkata
Prasad, S/o Late Nooka Raju

..... Petitioner

And:

Akella Venkata Padma
Kumari @ Padma Kumari,
W/o AVSV.Rao

.....Respondent

Counsel for the petitioner: Mr. R.Siva Sai Swaroop

The Court made the following:



ORDER.

This Civil Revision Petition arises out of order, dated 28.3.2017, in EP.No.119 of 2016 in O.S.No.727 of 2015 on the file of the learned Principal Junior Civil Judge, Visakhapatnam.

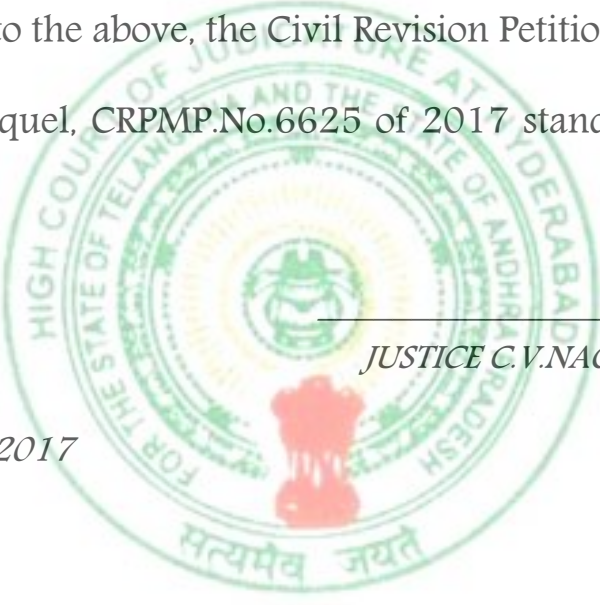
The petitioner is the judgment-debtor in O.S.No.727 of 2015, whereunder a decree for recovery of money was granted against him and in favour of the respondent. The said decree has attained finality as the petitioner failed to question the same. As the petitioner failed to pay the decretal amount, the respondent filed E.P.No.119 of 2016 under Order-XXI Rules-37 and 38 of the Code of Civil Procedure (C.P.C.) for the arrest of the petitioner. The Court below allowed the said E.P.

Admittedly, the petitioner is an employee of Visakhapatnam Steel Plant drawing a decent salary. Under Section-51 of C.P.C., the judgment-debtor is liable to be arrested and detained in civil prison if he is evading payment in spite of having sufficient means to pay the decretal amount. Having regard to the fact that the petitioner is an employee of Visakhapatnam Steel Plant, a Central Government entity, drawing a decent salary, the Court below has rightly held that he has sufficient means to pay the E.P. amount and that despite the same, he has been evading the payment. Therefore, I do not find any reason to interfere with the order under Revision.

Mr. B.Siva Sai Swaroop, learned counsel for the petitioner, submitted that the E.P. amount is about Rs.60,000/-. He requested for a month's time for payment of the E.P. amount by the petitioner. This request is, accordingly, accepted and the arrest of the petitioner is stayed for a period of one month from today. If within the afore-mentioned period, the petitioner fails to deposit the entire EP amount, the order under revision would become enforceable.

Subject to the above, the Civil Revision Petition is dismissed.

As a sequel, CRPMP.No.6625 of 2017 stands dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

06th October 2017

DR