

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.5352 OF 2011

ORDER:

Heard Sri D. Kodanda Rami Reddy, learned counsel for the petitioner, and Sri Ramachandra Reddy, learned counsel, for Sri M.N. Narasimha Reddy, learned counsel for the respondents, and perused the order under revision including the material on record.

2. The present revision, under Section 115 of the Code of Civil Procedure, 1908 (for short 'CPC'), is preferred by the judgment-debtor No.1, challenging the order dated 29.09.2011 in E.P. No.40 of 2008 in O.P. No.272 of 1992 passed by the learned II Additional District Judge, Madanapalle, Chittoor District.

3. By the order under revision, the request of the decree holders under Order - XXI Rules - 37 and 38 of the Code was acceded to directing to issue warrant of arrest and detention.

4. The learned counsel for the revision petitioner would submit that the Court below has not discussed about Ex.B-1 receipt itself and that Ex.B-1 would evidence that an amount of Rs.41,000/- was paid as settled by the elders in a mediation. However, this objection appears to be totally incorrect.

5. The trial court has referred to Ex.B-1 in paragraph No.10 of the order under revision and also relied on the decision in **Shaik Hasan Saheb v. A.V. Subba Reddy** [2009 (6) ALT 242] and what all the execution Court observed was that the receipt under Ex.B-1 purported to have been written in the elders mediation was not proved in accordance with evidentiary rule as none of the witnesses, who attested Ex.B-1, were examined by the judgment-debtors.

6. In such an event, certainly, there is no material irregularity in the order under challenge herein.

7. Therefore, the Civil Revision Petition is dismissed confirming the order passed by the execution Court. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision petition stand dismissed.

A. SHANKAR NARAYANA, J

April 10, 2018.

PV