

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.2295 OF 2012

ORDER:

This civil revision petition, under Section 115 of the Code of Civil Procedure, 1908 (for short 'CPC'), is filed challenging the order dated 26.04.2012, in E.P. No.274 of 2011 in O.S. No.426 of 2009, passed by the Principal Junior Civil Judge, Dhone, whereby the learned Junior Civil Judge allowed the execution petition while issuing the warrant of arrest against the petitioner/ judgment debtor on payment of batta.

During hearing, learned counsel for the petitioner submitted that the petitioner has deposited 50% of the decretal amount together with subsequent interest, in pursuance of the interim order dated 23.05.2012 passed by this Court in CRP MP No.3065 of 2012, and sought three months time for payment of balance of EP amount. However, the respondent opposed the request of the petitioner.

The total amount due under the decree is Rs.38,409/- and out of the said debt due, 50% has already deposited in pursuance of the direction issued by this Court. Therefore, the balance will be around Rs.20,000/- inclusive subsequent interest etc. Therefore, I find that it is appropriate to grant two months to the petitioner to pay balance of decretal amount.

Accordingly, the civil revision petition is disposed of with a direction to the Principal Junior Civil Judge, Dhone, to grant two months time to the petitioner/ judgment debtor for payment of balance of the decretal amount together with interest and costs. In the event of failure to pay the balance of decretal amount by the end of May, 2018, the executing court can proceed to recover the amount

- 2 -

reviving the order dated 26.04.2012 in E.P. No.274 of 2011in O.S.
No.426 of 2009. No costs.

Consequently, miscellaneous petitions, if any, pending shall
stand closed.

M.SATYANARAYANA MURTHY, J

Date:16.03.2018
BV

