

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.3159 OF 2012

ORDER:

The judgment debtor (J.Dr) in EP. No.136 of 2009 is the revision petitioner.

The J.Dr. in the instant CRP challenges the order of arrest dated 26.03.2012. The J.Dr resisted arrest by contending that the Decree Holder (D.Hr) failed to show that the petitioner/J.Dr has sufficient means and J.Dr neglected to discharge the suit debt. In the absence of D.Hr discharging such onus, the order of arrest is untenable.

Ms.Anula contends that the findings recorded by the trial Court are untenable and that the order of arrest is contrary to the well established principles of law namely, that as matter of course arrest ought not to be ordered and D.Hr must establish sufficient means before arrest is ordered. These contentions are merely adverted and warrant complete rejection. The executing Court has considered the evidence on record and found that the revision petitioner has means. Therefore, unless the revision petitioner points out illegality or infirmity in the said finding, the challenge is not entertained on mere assertions. Revision fails and is accordingly dismissed. The stay of arrest granted by this Court is extended by two more months to enable the revision petitioner to pay the balance amount payable in the EP.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

---

S.V.BHATT, J

Date: 11.09.2018

Sp