

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4110 of 2011

ORDER:

The civil revision petition is filed under Section 115 of Code of Civil Procedure (for short "C.P.C.") challenging the order dated 05.09.2011 passed in E.P.No.40 of 2010 in O.S.No.72 of 2007 by the Junior Civil Judge at Kaikalur, whereby the Execution Petition filed by the Decree Holder is allowed and ordered to issue warrant of arrest against the Judgment Debtor on payment of process.

Decree holder filed Execution Petition for realisation of amount and issuance of warrant. Respondent/judgment debtor filed counter denying the material allegations and contended that he has no means to pay the decree debt.

Decree holder was examined as P.W.1 and the petitioner/judgment debtor was examined as R.W.1.

On consideration of entire material available on record, the Court below came to the conclusion that the Judgment Debtor possessed sufficient means to pay the decree debt as he himself admitted that income on one acre of fish tank is around Rs.25,000/- per crop and usually two crops can be raised. Therefore, the income of the petitioner would be around Rs.50,000/- per annum, but the debt due is approximately Rs.50,000/-.

During hearing, learned counsel for the petitioner submitted that the petitioner paid part of the due amount and the petitioner

is ready to pay the balance amount within three months from today.

Recording the said submission, three (3) months time is granted to the petitioner/judgment debtor for payment/deposit balance of decretal amount together with interest and costs.

With the above direction, the civil revision petition is disposed of. However, in the event of failure to deposit balance amount within three (3) months from today, the order of this Court shall stand cancelled automatically and the respondent is permitted to proceed further in accordance with law to realise the decretal amount without approaching this Court and the Executing Court is directed to proceed with the matter in accordance with law. No costs.

The miscellaneous petitions pending in all the three revisions, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

06.03.2018
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