

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.2836 of 2018

ORDER:

This revision is filed by the petitioner/judgment debtor, aggrieved by the docket order dated 16.04.2018 in E.P.No.106 of 2015 in O.S.No.150 of 2014 passed by the Senior Civil Judge, Addanki.

2) Heard.

3) There is no illegality in the impugned docket order, much less, to admit the revision or keep it pending including by ordering notice to the respondent/decree holder, as it is not based on the affidavit of the decree holder, any warrant issued by securing the presence of the judgment debtor from his say, as contemplated by Section 55(4) C.P.C. to afford an opportunity by release on personal bond or otherwise to file an insolvency application from the claim of no means. In fact, in the case on hand that despite means, enquiry was elaborately taken by affording opportunity to the revision petitioner, who is the judgment debtor and having held from the proof of means of the judgment debtor by the decree holder that he is intentionally evading to pay the debt having sufficient means. Once such is the case, the Court need not entertain at that stage after enquiry into means after payment of batta by decree holder, who is ready to pay subsisting

allowance from securing presence, arrest warrant to commit into civil prison, even though, at this stage, he wanted to file an application for insolvency, leave about the fact that there is no bar to file any application for insolvency but for to consider if at all in future any such application filed and any protection order obtained.

4) Having regard to the above, the Civil Revision Petition is disposed of from the request of the learned counsel for the revision petitioner of making efforts to pay the amount atleast half within one month, to grant five weeks time to pay half of the amount on or before 06.06.2018 and to pay the remaining balance by next month and in the event of non-payment of the first installment of half of the amount supra by 06.06.2018, the lower Court can proceed further with the matter. With these observations, the warrant of the trial court is suspended, provided the judgment debtor files an undertaking affidavit to comply with the above order to release, if at all arrested and committed to civil prison.

5) Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.05.2018

Note:

Issue C.C. tomorrow.

B/o.

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