

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3202 OF 2010

ORDER :

This Revision is filed questioning the order dated 22.10.2009 passed by the learned Senior Civil Judge at Penukonda dismissing C.M.A. No. 2 of 2005 filed under Order 43 Rules 1 and 2 of the Code of Civil Procedure to set aside the order dated 01.10.2004 in E.P. No. 41 of 2002 in O.S. No. 76 of 1991 on the file of the Court of the Junior Civil Judge, Dharmavaram, ordering arrest and detention of judgment debtors 2, 3, 5 to 7 for disobedience of the order of permanent injunction granted in the suit.

The petitioners herein are the judgment debtors. The suit came to be decreed restraining them from interfering with the suit schedule property and causing any obstruction to the decree holder. Alleging disobedience of the said decree, the decree holder had filed E.P.No. 41 of 2002 seeking arrest and detention of the judgment debtors. The Execution Court, after taking into consideration the evidence of P.Ws.1 and 2, gave a categorical finding that the judgment debtors are causing obstruction to the decree holder, allowed the Execution Petition, by its order dated 01.10.2004. On appeal, the Appellate Court, in the absence of any fresh material before it, having taken into consideration the material on record, affirmed the order dated 01.10.2004, thereby the findings became final.

Heard learned counsel for the petitioners as well as learned counsel for the respondents.

Though the order in C.M.A. is questioned raising various grounds, there being no irregularity committed by the Court of the

Senior Civil Judge at Penukonda, as it becomes solemn duty of the Court to enforce its orders, the Civil Revision Petition is devoid of merits and it is accordingly, dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

27th April 2018

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