

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Revision Petition No.510 of 2011

ORDER:

The present Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, 1908 (for short, 'C.P.C.') challenging the order dated 30.12.2010 passed in E.P. No.49 of 2009 in O.S. No.2681 of 2005, on the file of IV-Metropolitan Magistrate, Bheemunipatnam, whereby and whereunder the learned Executing Court ordered arrest and detention, one of the modes, to implement the decree passed by it.

2. Heard Sri M. Krishna Rao, learned counsel for the petitioner-Judgment debtor and Mrs. T. Radha Rani, learned counsel, for Sri T.D. Pani Kumar, learned counsel for the respondent-Decree holder.

3. Not much is needed to look into for the reason there has been a categorical observation made by the Court below that the evidence of R.W.2, examined by the petitioner herein, to substantiate that he has got no means to satisfy the decretal amount, himself has asserted that R.W.1 is owning a house at Chinnapuram and doing real estate business and that that was the reason the executing court compelled to arrive at the conclusion that, though, the petitioner-judgment debtor was possessing sufficient means deliberately with malign intention absconding from paying the decretal amount. Once such answer is given by R.W.2, it would, certainly, completely belie

the defence set up by the revision petitioner herein before the executing court.

4. There is no merit in the present Civil Revision Case, and, accordingly, the same is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Revision shall stand closed.

A. SHANKAR NARAYANA,J

Dt. 20.03.2018

gbs

