

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CIVIL REVISION PETITION No.5189 of 2017**

**ORDER:**

This revision petition is filed under Section 115 of Civil Procedure Code assailing the orders dated 04.07.2017 in E.P.No.35 of 2016 in O.S.No.51 of 2005 on the file of the Court of Senior Civil Judge, Rayachoty.

2. Heard the learned counsel for the petitioner, the learned counsel for the respondent and perused the material available on record.

3. The facts leading to filing of the present revision are briefly as follows: The respondent filed O.S.No.51 of 2005 on the file of the Court of Senior Civil Judge, Rayachoty, against the petitioner for recovery of an amount of Rs.70,000/- basing on a promissory note. After full-fledged trial, the trial Court decreed the suit in favour of the respondent on 23.06.2006. For one reason or the other, the petitioner did not choose to pay the decretal amount. The respondent, having no other alternative, filed E.P.No.35 of 2016 in O.S.No.51 of 2005 under Order XXI Rules 37 and 38 CPC for arrest of the petitioner-Judgment Debtor. The executing Court allowed the said petition and issued warrant against the petitioner-Judgment Debtor. Questioning the said order, the present revision is filed.

4. At the time of arguments, learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the E.P. amount of Rs.1,96,994/- by way of installments. Learned counsel for the respondent-Decree Holder agreed for the same. In view of the submissions made by learned counsel for both the parties, this Court is not inclined to go into the merits of the revision petition.

5. Having regard to the facts and circumstances of the case, the petitioner-Judgment Debtor is hereby directed to pay the entire E.P. amount of Rs.1,96,994/- (Rupees one lakh ninety six thousand nine hundred and ninety four only) in ten (10) monthly installments, i.e., Rs.20,000/- (Rupees twenty thousand only) per month for nine (9) installments and the remaining amount of Rs.16,994/- in the last and tenth installment, payable on or before 10<sup>th</sup> of every succeeding month commencing from 10.02.2018. If the petitioner-Judgment Debtor fails to pay any single installment, the respondent-Decree Holder is at liberty to take steps for execution of the warrant issued by the executing Court on 04.07.2017 in accordance with law.

6. With the above observation, the Civil Revision Petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

**T.SUNIL CHOWDARY, J**

January 19, 2018  
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