

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.5134 OF 2011

ORDER:

Heard Mr.K.Sinivas for petitioner.

The petitioner in I.P. No.29 of 2011 in the Court of Senior Civil Judge, Gurajala, Guntur District, is the revision petitioner.

The petitioner filed I.A. No.823 of 2011 to grant interim protection from the arrest warrant which is pending in E.P. No.59 of 2007 in O.S. No.38 of 2005 in the Court of Junior Civil Judge, Macherla.

The case of petitioner is that earlier he filed I.P. No.11 of 2009 along with I.A. No.571 of 2009 and the trial Court granted interim protection. As he could not pursue I. P. No.11 of 2009, the same was dismissed for default for non-prosecution. The petitioner has filed I.P. No. 29 of 2011 as some of the creditors started harassing him to discharge their debt. Along with the I.P., the petitioner filed I.A. No. 823 of 2011 for interim protection from arrest warrant which is pending in E.P. No.59 of 2007 in O.S. No.38 of 2005 in the Court of Junior Civil Judge, Macherla.

The trial Court considered the facts and circumstances of the case and passed the following order:

“Heard, the petitioner. Perused the record. This application is filed seeking interim protection to the petitioner, who was arrested in execution of decree in E.P.59/07 in O.S.38/05 on the file of Junior Civil Judge's Court, Macherla. The amount payable by the petitioner is around Rs.78,000/- and therefore, it is fit case to grant interim Protection on insisting a security for Rs.78,000/-.

Issue interim protection of the Petitioner from arresting him in execution of decree in E.P.59/07 in O.S.No.38/05 on the file of Junior Civil Judge's Court, Macherla subject to furnishing third party immovable property for Rs.78,000/- with an undertaking to produce the petitioner before Lower court or this Court as and when required.

Issue urgent notice to the respondent through R.P. by 21.11.2011."

The counsel for petitioner contends that the Court below instead of ordering the petitioner to give third party immovable property as security for Rs.78,000/-, ought to have directed the petitioner to give personal bond in the interest of justice.

Perused the record and noted the submission of the counsel.

This Court is of the view that the order impugned in the CRP does not warrant interference of this Court under Article 227 of the Constitution of India as the learned Judge passed a reasoned order. The CRP fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:09.11.2018
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