

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

CIVIL REVISION PETITION No.3946 of 2015

ORDER:

This revision is filed by the petitioner/judgment debtor/ defendant No.1, aggrieved by the order dated 24.07.2015 in E.P.No.48 of 2012 in O.S.No.125 of 2003 passed by the Principal Senior Civil Judge, Madanapalle, Chittoor District.

2. Heard both sides and perused the material on record including grounds of the revision and the impugned order.

3. The evidence on record including that of the RW.1 among three judgment debtors (for short 'J.Drs.') speaks about his possessing of Ac.0.33 cents of land in Sy.No.529/3 at Bandameeda Kammappalle Village of Madanapalle at the prime locality, though disputes about the suggestion of the decree holder (for short 'D.Hr.') of the property worth more than Rs.2 Crores even by then, even taken for argument sake not proved of the 1/4th share in Swarna Mukhi Bus service, for no document filed, but for, oral evidence of the D.Hr. and having sufficient means willfully evading to pay the decree debt. Hence, there is nothing to interfere with the order of the lower Court for recovery of the amount of willfully evading despite means to arrest him to realize the decree debt, but for, to say since from the stay order of this Court dated 09.10.2015, subject to deposit of Rs.4,00,000/- on or before

30.10.2015 stated deposited, granting three months time from today to pay the remaining balance in three equal monthly installments i.e., by 02.02.2018, 02.03.2018 and 02.04.2018 and any non-payment of even single installment entitles the Executing Court to proceed further and what is the amount so far deposited, the D.Hr. is entitled to withdraw, by virtue of this order, by filing cheque petition.

4. Accordingly, the Civil Revision Petition is disposed of.

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

Date: 04.01.2018

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JUSTICE Dr. B.SIVA SANKARA RAO

