

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.6526 of 2018

ORDER :

Heard before admission and before notice to the respondent/ D.Hr.

2. The present revision is impugning the docket order of the learned Junior Civil Judge, dt.28.08.2018 in E.P.No.23 of 2016 in O.S.No.36 of 2014 in issuing warrant from the alleged non-securing of the protection order in the debtor I.P.No.8 of 2017 from proceeding against the arrest E.P. moved by the D.Hr. against the J.Dr. with alleged wilful non-payment having means so that it could be recovered.

The law is very clearly laid down by this Court in Tata Kesavarao Vs.Shaik Hasan Ahmed¹, that the issuing of arrest warrant, without enquiry into the means if at all or without satisfaction by assigning reasons from the Execution Petition with affidavit of the D.Hr. on the sustainable means of the J.Dr., does not arise.

Having regard to the above, the Civil Revision Petition is disposed of. The docket order of the learned Junior Civil Judge, dt.28.08.2018 in E.P.No.23 of 2016 in O.S.No.36 of 2014 in issuing arrest warrant is set aside and the lower Court is directed to follow the procedure as contemplated and as laid down in the expression supra to proceed with the enquiry in the Execution Petition.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23.11.2018
b/ o.vvr

¹ 2018(1) ALT 355