

THE HON'BLE Ms. JUSTICE G.ROHINI

CIVIL REVISION PETITION No.788 OF 2013

Dated: 28.03.2013

Between:

-

Donthy Reddy Achyuta Reddy

.....Petitioner

And

Sri N.Ratan Babu

.....Respondent

THE HON'BLE Ms. JUSTICE G.ROHINI

CIVIL REVISION PETITION No.788 OF 2013

-

ORDER:

This revision petition is filed aggrieved by the order dated 18.2.2013 in E.P.No.111 of 2012 in O.S.No.401 of 2006 on the file of the Court of the II-Senior Civil Judge, City Civil Court, Hyderabad directing detention of the revision petitioner in civil prison since he failed to pay the decretal amount.

I have heard the learned counsel for the revision petitioner as well as the respondent, who appeared in person.

As could be seen from the material available on record, E.P.No.111 of 2012 (Old E.P.No.9 of 2009 on the file of the Court of the VIII-Senior Civil Judge (FTC) City Civil Court, Hyderabad) filed by the respondent herein for detention of the revision petitioner/judgment-debtor in execution of the money decree in O.S.No.401 of 2006 was already allowed by order dated 13.12.2010. Aggrieved by the said order, the revision petitioner/judgment-debtor filed CRP No.601 of 2011 before this Court. However on a request made by the revision petitioner himself, CRP No.603 of 2011 was dismissed as withdrawn by this Court by order dated 16.2.2012. Thus the order dated 13.12.2010 attained finality. Therefore, the Court below cannot be said to have committed any error in directing detention of the revision petitioner in civil prison.

It is also relevant to note that altogether five money decrees were obtained by the respondent herein against the revision petitioner and four execution petitions were filed for detention of the decree

holder in civil prison alleging that though he had sufficient means to pay, he had deliberately failed to satisfy the decree. Out of the said execution petitions, a detailed enquiry was held in E.P.No.56 of 2012 (Old E.P.No.8 of 2011) and by a well reasoned order dated 28.2.2013 a clear finding was recorded by the Executing Court that the revision petitioner/judgment-debtor had sufficient means, but failed to pay the decretal amount deliberately and intentionally. The said order has been upheld by this Court by a separate order passed today in CRP No.1141 of 2013. The contention of the revision petitioner that the order under revision is erroneous since the procedure prescribed under Section 55 (3) & (4) of C.P.C. was not followed has also been considered and negated by this Court in CRP No.1141 of 2013.

For the reasons stated in CRP No.1141 of 2013, this Revision Petition is devoid of any merit and the Court below cannot be said to have committed any illegality or irregularity in exercise of jurisdiction conferred under law.

Hence the interference by this Court is not warranted and accordingly, the Civil Revision Petition is dismissed.

No costs. Consequently, Miscellaneous Petitions, if any, pending in this civil revision petition shall stand closed.

G.ROHINI, J

Date: 28.03.2013

lvd/Ssp