



2022:APHC:35939

**HIGH COURT OF ANDHRA PRADESH**  
MONDAY ,THE THIRTY FIRST DAY OF OCTOBER  
TWO THOUSAND AND TWENTY TWO

**PRSENT**

**THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI**  
**CIVIL REVISION PETITION NO: 524 OF 2013**

**Between:**

1. BADIREDDI NAGESWARA RAO S/o Veerabhadraaya,  
occ:Agriculture  
R/o Tantikonda Village, Gokavaram Mandal,  
East Godavari District.

**...PETITIONER(S)**

**AND:**

1. TELU SATYANARAYANA MURTHY S/o Arjuna Rao,  
cultivation,  
R/o Jamboopatnam Village, Korukonda Mandal,  
East Godavari District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): T V JAGGI REDDY**

**Counsel for the Respondents:**

**The Court made the following: ORDER**



HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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**C.R.P.No.524 OF 2013**

**Between:**

Badireddi Nageswara Rao, S/o.Veerabhadrayya,  
Aged 57 years, Hindu, Agriculturist,  
R/o.Tanikonda Village, Gokavaram Mandal,  
East Godavari District. ....Petitioner/J.Dr.

*Versus*

Telu Satyanaarayana Murthy,  
S/o.Arjuna Rao, Hindu,  
Aged 55 years, Cultivation,  
R/o. Jamboopatnam Village,  
Korukonda Mandal,  
East Godavari District. ....Respondent/D.Hr.

DATE OF ORDER PRONOUNCED : 31.10.2022

SUBMITTED FOR APPROVAL:

**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

1. Whether Reporters of Local Newspapers  
may be allowed to see the Order? Yes/No
2. Whether the copy of Order may be  
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the  
fair copy of the Order? Yes/No

**B.V.L.N.CHAKRAVARTHI, J.**



**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**+ C.R.P.No.524 OF 2013**

**% 31.10.2022**

**# Between:**

Badireddi Nageswara Rao, S/o.Veerabhadrayya,  
Aged 57 years, Hindu, Agriculturist,  
R/o.Tanikonda Village, Gokavaram Mandal,  
East Godavari District. ....Petitioner/J.Dr.

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Aged 55 years, Cultivation,  
R/o. Jamboopatnam Village,  
Korukonda Mandal,  
East Godavari District. ....Respondent/D.Hr.

**! Counsel for the Petitioner** : Sri T.V.Jaggi Reddy

**^ Counsel for the  
Respondent** : ---

**< Gist:**

**> Head Note:**

**? Cases referred:**

This Court made the following:



**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**CIVIL REVISION PETITION No.524 OF 2013**

**ORDER:**

Heard the learned counsel for Revision Petitioner. No representation for respondent. This Revision Petition is filed against the order dated 13-12-2012 of Prl.Junior Civil Judge, Rajahmundry, delivered in E.P.42/2011 in O.S.736/2001. The Revision Petitioner is judgment debtor in the execution petition. The respondent/decreed holder filed E.P. U/o.XXI Rule 37 and 38 of the Code of Civil Procedure to arrest the judgment debtor and to detain him in civil prison, as he failed to discharge the decree amount, inspite of having means to discharge the decree amount, and avoiding to discharge the same with a malafide intention.

2. The decreed holder was examined as P.W-1 and the judgment debtor was examined as D.W-1. The contention of the judgment debtor is that he is a small farmer, and he has no means to discharge the decree amount.



3. The record shows that as per evidence of the Revision Petitioner/judgment debtor, in the cross-examination, he admitted that he has been doing dairy farm business, and he failed to produce accounts showing turnover of his business, and the property described under Ex.B-1 is worth of Rs.2,00,000/-, even as per the admission of the judgment debtor in the cross-examination. Therefore, in that view of the matter, the executing Court held that the contention of the Revision Petition that he has no means to discharge the decree amount, cannot be believed.

4. It appears that the Revision Petitioner has sought for installment decree, which was not accepted by the executing Court, as no such decree was passed earlier. Admittedly, the Revision Petitioner/judgment debtor did not ask the original Court to pass installment decree as laid down U/o.XX Rule 11 of the Code of Civil Procedure. In that view of the matter, I do not find any grounds to interfere with the order passed by the executing Court. Therefore, the Civil Revision Petition is devoid of any merits and liable to be dismissed.



5. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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**B.V.L.N.CHAKRAVARTHI, J.**

**31.10.2022**

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**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**C.R.P.No.524 OF 2013**

**Note: Mark L.R.Copy**

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**31<sup>st</sup> October, 2022**

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