

(1998) 07 KAR CK 0038
In the Karnataka High Court
Case No : Civil Revision Petition No. 3633 of 1995

Bhimshenrao

APPELLANT

Vs

Ambarao

RESPONDENT

Date of Decision : 02-07-1998

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 36

Citation : (1998) ILR (Kar) 4236 : (1998) 5 KarLJ 282

Hon'ble Judges : Kumar Rajaratnam, J

Bench : Single Bench

Advocate : Sri Manikappa Patil, for the Appellant; Sri R.V. Naik, for the Respondent

Judgement

1. The petitioner is the Judgment Debtor. The respondent is the plaintiff. The respondent-plaintiff filed a suit for injunction. During the pendency of the suit there was an interim order in favour of the respondent, that was not obeyed by the petitioner. Pursuant to it, he sought to execute the order. The learned Counsel for the respondent relied on Section 36, CPC which reads as follows:

"36. The provision of this code relating to the execution of decrees (including provisions relating to payment under a decree) shall so far as they are applicable, be deemed to apply to the execution of orders (including payment under as order)".

2. Section 36 clearly indicates that even an interim order can be executed in the same way as a decree. On the basis of that the Execution Petition was held as maintainable. Aggrieved by that the petitioner preferred the civil revision petition.

3. It was submitted by the learned Counsel for the respondent that a well considered order has been passed by the Executing Court that when a person disobeys the interim order during the pendency of the suit, it is always open to either move the Court for contempt or to execute the interim order passed by the Court.

In that view of the matter, no interference is called for. The civil revision petition is dismissed. No order as to costs.