

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
C.R.P.No. 4734 OF 2014

ORDER: *(per Hon'ble Sri Justice Ramesh Ranganathan)*

This revision, under Section 115 of the Code of Civil Procedure, is filed against the order passed by Principal Senior Civil Judge, Kakinada, in E.P.No. 130 of 2014 in A.R.C.No. 168 of 2012 dated 02-12-2014. The 1st petitioner herein is the borrower, and the 2nd petitioner is the guarantor. Consequent upon the arbitration award, directing the petitioners herein to jointly and severally pay Rs.4,75,722/-, the 1st respondent herein filed an execution petition. The Court below ordered attachment of the salary of the 2nd petitioner, and directed that Rs.17,000/- be deducted each month from his salary for a period of 24 months. Aggrieved thereby, the present revision.

Sri V.V.Satish, learned counsel for the petitioners, would submit that the 1st petitioner is ready to substitute himself for the 2nd petitioner, to pay Rs.17,000/- p.m. to the 1st respondent; and the petitioners are also ready to have an amicable settlement with the 1st respondent.

Whether the amount should be recovered from the borrower or from the guarantor, by way of attachment of the latter's salary, is a matter entirely at the creditor's choice. The 1st respondent has chosen to proceed against the 2nd petitioner. It is not even urged before us that the order under revision suffers from any illegality necessitating interference. We see no reason, therefore, to exercise discretion to interfere. The civil revision petition fails and is, accordingly, dismissed. It is made clear that this order shall not preclude the petitioners from approaching the 1st respondent for an amicable settlement.

Pending miscellaneous petitions, if any, in this civil revision petition

shall stand dismissed in consequence. No order as to costs.

RAMESH RANGANATHAN, J.

M.SATYANARAYANA

MURTHY, J.

Date: 27th January, 2015.

JSK