

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

CIVIL REVISION PETITION No.1096 of 2010

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ORDER:

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This Civil Revision Petition is filed under Section 115 CPC challenging the order dt.30-12-2009 in E.P.No.688 of 2009 in O.S.No.399 of 2004 of the Principal Junior Civil Judge, Kothagudem directing the 2nd respondent to withhold a sum of Rs.57,841/- from out of the salary payable to petitioner under VIII Wage Board.

2. The learned counsel for petitioner contends that the suit filed by 1st respondent against petitioner has been decreed and the same has been confirmed in appeal and subsequently, the Supreme Court of India in a judgment reported in **Nagarjuna Grameena Bank and others Vs. Medi Narayana and others** has held that the Civil Courts have no jurisdiction in the Scheduled Areas and the decrees passed therein would become nullity and therefore the decree is not capable of execution in the Civil Court. Such a submission does not appear to have been raised before the Court below by petitioner by filing a counter in the Execution Petition.
3. Therefore, this Civil Revision Petition is dismissed giving liberty to the petitioner to file a counter in the Execution Petition taking all pleas open to him at law including the plea that the decree has become unexecutable on account of the above decision of the Supreme Court of India. No costs.
4. As a sequel, miscellaneous petitions pending, if any, shall stand

disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 11-06-2015

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