

HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.1324 of 2015

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ORDER :

This civil revision petition under Article 227 of the Constitution of India is filed by the judgment debtor, aggrieved by attachment of his salary to execute the order and decree in F.C.O.P.No.74 of 2006 on the file of Family Court, Secunderabad.

During the course of hearing, it is submitted by the learned counsel for petitioner that after the order dated 24.03.2014 is passed in E.P.No.18 of 2013 in F.C.O.P.No.74 of 2006, counter affidavit is filed, wherein, he pleaded for setting aside the order dated 24.03.2014.

It is to be noticed that even after giving sufficient opportunities, as the petitioner/judgment debtor has not filed counter affidavit in E.P.No.18 of 2013, the aforesaid order dated 24.03.2014 is passed, ordering for attachment of his salary. If, for any reason, the attachment is to be discontinued, the petitioner can seek for such relief after filing counter affidavit, but, in the absence of any final orders in the execution petition, petitioner is not entitled to seek for setting aside the attachment order, which is passed for recovery of decretal amount in F.C.O.P.No.74 of 2006. Therefore, I do not see any reason to interfere with the impugned order.

The revision is accordingly dismissed. However, it is made clear that if any counter affidavit is filed and if any case is made out for discontinuing the attachment of decretal amount, it is open to the executing Court to pass final orders in the execution petition, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of this order. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

5th June 2015

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