

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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CIVIL REVISION PETITION No.1005 OF 2015

ORDER: *(Per Hon'ble Sri Justice R. Subhash Reddy)*

This Civil Revision Petition, under Section 115 of CPC, is filed against the order dated 04.02.2015 in E.P.No.23 of 2015 in ABR/CF No.62 of 2014 on the file of the X Junior Civil Judge, City Civil Court, Hyderabad.

Petitioner is the prized subscriber in a chit transaction with the 1st respondent-Chit Fund Private Limited. When he committed default in payment of the chit subscription amounts, the 1st respondent initiated proceedings for recovery of the due amount by raising a dispute in ABR/CF.No.62 of 2014 before the Deputy Registrar of Chits/Arbitrator, Hyderabad South. The Arbitrator has passed an award against the petitioner. Thereafter, as the petitioner failed to pay the decretal amount, the 1st respondent/decreed-holder filed the present E.P before the Court of the Junior Civil Judge, City Civil Court, Hyderabad, seeking attachment of salary of the petitioner for recovery of the amount due. By the impugned garnishee order, the Court below has directed Andhra Bank, Saroor Nagar Branch, Hyderabad to withhold the sum of Rs.78,203/- from the salary of the petitioner in monthly instalments subject to provisions under section 60 CPC.

When the matter is called for hearing, the only contention

advanced by learned counsel for the petitioner is that the petitioner has applied for loan, but the same is not being considered on account of the impugned attachment order.

Applying for grant of loan has nothing to do with the impugned attachment order passed for recovery of amount due, which is the subject matter of the arbitration award and which has become final. Therefore, in the absence of any other ground, we do not find merit in this petition so as to interfere with the impugned order.

Accordingly, the Civil Revision Petition is dismissed. However, if the petitioner wants to pay the balance amount due, it is open for him to approach the Executing Court seeking to raise the impugned attachment order and to grant instalments for payment of the balance amount due. No order as to costs.

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

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

04.06.2015

v v