

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

C.R.P.No.5324 of 2015

Date : 11-12-2015

Between :

A. Deva Sahayam
Petitioner

..

And

M/s. Venkata Tirumala Chit Fund (P) Ltd.,
Narasaraopet Branch, represented by its
Manager and others
Respondents

..

Counsel for petitioner : Mr. V.N. Anagani
Counsel for respondents :

The Court made the following:

ORDER:

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This Civil Revision Petition is filed by the Judgment-debtor under the award passed by the Registrar of Chits, against order dated 24-8-2015 in E.P.No.76 of 2015 in Dispute No.3 of 2013, on the file of the learned Principal Senior Civil Judge, Narasaraopet.

The petitioner is the principal borrower from respondent No.1 who obtained the above mentioned award against the former for Rs.2,31,348/-. In order to execute the said award, respondent No.1 has filed E.P.No.76 of 2015. In the said E.P., respondent No.1 sought for attachment of salary of the petitioner and Judgment-debtor Nos.2 to 4, who are the guarantors. The substantial defence putforth by the petitioner before the lower Court was that he is drawing a meager salary which is not sufficient to maintain himself and his family members and that he is incurring huge amounts towards his medical expenses. A further plea was raised that the E.P. amount was excessive and contrary to the terms of the award. On a careful consideration of the rival pleadings of the parties, the lower Court has allowed

the E.P. subject to the provisions of Section 60 CPC.

The fact that the petitioner who is a Secondary Grade Teacher has borrowed the money from respondent No.1 and allowed the award passed against him for recovery of the same, to become final is not in dispute. Therefore, the petitioner cannot come out with the specious pleas such as the ones he has raised as noted above. At the hearing, the learned Counsel for the petitioner has submitted that the E.P. itself was not maintainable as the person who has filed the E.P. has not filed his authorization. A perusal of the counter affidavit filed in the E.P. by the petitioner herein would show that he has not raised any such plea. This fact is conceded by the learned Counsel for the petitioner. In the light of the above facts, I do not find any legal infirmity or jurisdictional error in the order of the lower Court in allowing the E.P. The Civil Revision Petition is therefore dismissed.

As a sequel to the dismissal of the Civil Revision Petition, CRPMP No.6971 of 2015 filed for interim relief is dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 11-12-2015

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