

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.6803 of 2005

ORDER:

This revision is preferred challenging the order dated 01.05.2005 in E.P.No.55 of 2003 in O.S.No.1 of 2002 on the file of the Junior Civil Judge, Mahabubnagar, where the Executing Court ordered for recovery of money from the salary of revision petitioners at the rate of Rs.3,000/- per month from each to realize a sum of Rs.42,815/- from each.

2. Revision petitioners questioned the said order on the ground that the Court below has not followed the provision of Section 60 C.P.C. contending though their gross emoluments are Rs.11,340/- and Rs.11,103/- respectively, but their net salary is only Rs.3,414/- and Rs.3,428/- respectively.

3. This Court while ordering notice to respondents on 26.09.2005 passed the following order:

“Heard.

In the light of the circumstances explained by the petitioners counsel, the attachment shall be confined to Rs.2,000/- (Rupees two thousand only) per month, till further orders”

4. So, as per the order of this Court instead of recovering Rs.3,000/- per month, by way of attachment, it was reduced to Rs.2,000/- per month and this order is not modified. If the recovery at the rate of Rs.2,000/- per month is calculated from 26.09.2005 till this day, the amount referred in the order i.e., Rs.42,815/- must have been recovered long back and nothing will be remained so far as recovery is concerned. For these reasons, I am of the view that nothing survives in the revision and the same is liable to be dismissed.

5. Accordingly, the civil revision petition is dismissed. No costs.

6. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

25th March 2015.

mar