

The Hon'ble Sri Justice M.S.Ramachandra Rao

Civil Revision Petition No.916 of 2015

Dated 30.10.2015

Order:

1. This Civil Revision Petition is filed challenging Order dt 02.02.2015 in EP.No.47 of 2014 in OS.No.14 of 2014 on the file of the Additional Senior Civil Judge's Court, Chittoor District.
2. After perusing the impugned order, I am satisfied that no error of jurisdiction was committed by the Court below in making the order of attachment of the petitioner's salary absolute.
3. Learned Counsel for the petitioner states that the decree in the suit being an *ex parte* decree, IA.No.760 of 2014 has been filed under Order IX Rule 13 of the Civil Procedure Code, 1908 (CPC) to set aside the said decree and that the Court below be directed to dispose of the said IA.
4. The petitioner's only hope is to have IA.No.760 of 2014 disposed of expeditiously because in the event the said IA is allowed, the decree in the suit would be set aside and cannot be executed.
5. Therefore, the Civil Revision Petition is dismissed directing the Additional Senior Civil Judge, Chittoor, to decide IA.No.760 of 2014 in OS.No.14 of 2014 pending on his file expeditiously, preferably within two months from the date of receipt of a copy of this order after hearing both sides. There shall be no order as to costs.

6. As a sequel to dismissal of the Civil Revision Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(M.S.Ramachandra Rao, J)

Dt: 30th October, 2015

LUR