

THE HON'BLE SRI JUSTICE K.C.BHANU

CIVIL REVISION PETITION No.438 OF 2015

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908 (for short, 'CPC'), is filed against the Salary attachment warrant, dated 14.11.2014, issued in Execution Petition No.46 of 2013 in Original Suit No.299 of 2010 on the file of the III Additional Junior Civil Judge, Guntur.

2. Heard the learned counsel for the petitioner.

3. Respondent No.1/plaintiff filed the aforesaid suit for recovery of an amount of Rs.96,040/- being the principal and interest due under a promissory note, dated 10.09.2008, executed by the petitioner/judgment debtor in her favour. The said suit was decreed on 28.01.2012 directing the petitioner to pay the entire decretal amount together with costs and interest. Since the petitioner/judgment debtor has not paid any amount in pursuance of the said decree, the present Execution Petition was filed to attach salary of the petitioner. Accordingly, order of attachment was granted on 14.11.2014 and that order is completely in tune with Section 60 CPC. If the petitioner is aggrieved by the order of attachment of salary, he can as well file an application before the Executing Court to raise the attachment. Therefore, there are no grounds to interfere with the impugned order.

4. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.

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DATE: 13.03.2015

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