

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.1457 of 2016

ORDER:

The petitioners are judgment debtors, who have suffered a decree in an arbitration dispute being AA/CF.No.164 of 2013 passed by the Deputy Registrar of Chits/Arbitrator, R.R.District (East), L.B.Nagar, Hyderabad, dated 15-10-2014. The decree holder has put the said award in execution in E.P.No.21 of 2015 before the I Senior Civil Judge, City Civil Court, Hyderabad and sought attachment of salaries of the judgment debtors including the petitioners. The Executing Court appears to have passed an order, dated 23-01-2015 attaching the salary of the judgment debtors. Thereafter, the E.P. is posted to 20-04-2015 and presently appears to be pending. The petitioners are aggrieved by attachment of the salary on the ground that though the decree is for Rs.4,38,986/- from each of the judgment debtors, the entire amount is directed to be attached.

Even accepting the argument of the learned counsel for the petitioners, I do not see any reason to entertain the writ petition, as the petitioners can as well appear before the Executing Court and seek vacation/modification of the attachment order. Consequently, the decree being joint and several, even if there are attachment orders for the suit claim against all the judgment debtors, the decree holder can only recover the amount decreed in his favour and nothing more than that. However, merely on that ground, the writ petition cannot be entertained.

Hence, with the liberty to the petitioners to approach the Executing Court, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 20-01-2016

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.1457 of 2016

20-01-2016

Prv