

HON' BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION No.6389 of 2016

Dated: 30.12.2016

Between:

P.Satyavathi.

.. Petitioner

and

Boddu Krishnaveni
and others.

.. Respondents

Counsel for the Petitioner : Mr. Jithender Rao Veeramalla

Counsel for Respondents :



The Court made the following:

ORDER:

The decree holder in O.S.No.27 of 2006 on the file of the III Additional Junior Civil Judge at Visakhapatnam filed E.P.No.128 of 2009 for execution of the decree. She has filed I.A.No.12 of 2006 for attachment of death-cum-terminal benefits of the original borrower late Boddu Sundara Rao. An attachment warrant was issued to respondent No.4/ garnishee of late B.Sundara Rao and the same was served on 23.01.2006. After return of warrant, the lower Court, by its order dated 21.12.2006, made the attachment absolute. The petitioner has filed E.A.No.28 of 2012 to send for the amount belonging to late B.Sundara Rao lying in the hands of garnishee and attached in I.A.No.12 of 2006. The garnishee has replied to the effect that it has disbursed all the amounts to the legal heirs of the deceased Sundara Rao.

The petitioner has filed E.A.No.376 of 2012 to issue show cause notice to respondent No.4/ garnishee of late B.Sundara Rao as to why it should not be directed to send the amounts attached in I.A.No.12 of 2006. As this application has been dismissed, the petitioner/ decree holder filed this revision petition.

From the narration of the facts in the order under challenge, it is evident that in response to notice dated 06.02.2006 of the counsel for the petitioner, respondent No.4 has sent intimation dated 13.02.2016, marked as Ex.P6, wherein it is clearly mentioned that the death benefits were only Rs.3,000/- towards the full settlement amount and the same was kept in deposit in pursuance of court order dated 06.01.2006 in I.A.No.12 of 2006 in O.S.No.27 of 2006. It is further evident that though as per the attachment order, the amount liable to be withheld by the garnishee was Rs.59,526/-, a sum of Rs.3,000/- only was attached and though the petitioner's counsel was aware of this fact, he has not raised any objection in that regard and attachment order was made absolute on 21.12.2006

itself. Having not raised any objection regarding the non-compliance of the attachment order from 21.12.2006 till the year 2012, the petitioner has belatedly filed E.A.No.376 of 2012.

In the light of the above facts, the lower Court has rightly declined to accept the plea of the petitioner and dismissed the E.A and I do not find any jurisdictional error in the order of the lower Court warranting interference of this Court in exercise of its revisional jurisdiction.

The Civil Revision Petition is accordingly dismissed.

JUSTICE C. V. NAGARJUNA REDDY

30-12-2016
v v

