

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY
CIVIL REVISION PETITION NO.5362 OF 2016

ORDER:

This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1908 challenging the order, dated 20-01-2016 in E.P.No.17 of 2016 in O.S.No.10 of 2013 on the file of the Principal Senior Civil Judge at Kothagudem, wherein and whereby the salary of the petitioner herein was attached.

2. Heard the learned counsel for the petitioner. In spite of service of notice, the respondents did not choose to appear. Hence, this Court is inclined to pass orders on merits in the absence of the respondents.

3. The contention of the learned counsel for the petitioner is that the Court of Senior Civil Judge, Kothagudem, has no jurisdiction whatsoever to entertain the E.P. filed by the respondent as the petitioner has been residing in Sarapaka, Burgampahad Mandal, Khammam District. He further submitted that the order passed by the trial Court is not sustainable as it lacks inherent jurisdiction to entertain the E.P.

4. A perusal of the record reveals that the 1st respondent herein filed the above suit for recovery of an amount of Rs.1,24,250/- from the petitioner herein. After full-fledged trial, the trial Court decreed the suit in favour of the 1st respondent. The 1st respondent herein filed the above E.P. and obtained attachment order. Hence, this revision.

5. A perusal of the record reveals that in the suit, the address of the petitioner was mentioned as "Ganguloth Venkanna, Resident of H.No.5-218, Gandhinagar, Sarapaka, Burgampahad Mandal, Khammam District." It is not in dispute that the petitioner is residing within the agency area.

6. To substantiate the arguments, learned counsel for the petitioner has drawn attention of this Court to the decision reported in **PULIGUJJU VASANTHA RAO V M/S SHRIRAM CITY UNION FINANCE LTD., BHADRACHALAM, REP. BY ITS AUTHORIZED SIGNATORY AND ANOTHER**¹, wherein it was held that the decree or award passed by a Court outside the Agency tracts be forwarded to the Agent to the State Government for execution. The same judgment was followed by this Court in CRP Nos.3622 of 2012 and 1004 of 2013. The facts of the case on hand are almost identical to the facts of the case cited supra.

7. Having regard to the facts and circumstances of the case and the case cited supra, the Civil Revision Petition is allowed setting aside the order, dated 20-01-2016 in E.P.No.17 of 2016 in O.S.No.10 of 2013 on the file of the Principal Senior Civil Judge at Kothagudem, as the E.P. itself is not maintainable. However, allowing this revision does not preclude the 1st respondent to file E.P. in appropriate Court. No order as to costs. Miscellaneous petitions, if any pending in this civil revision petition, shall stand closed.

DATED: 09-12-2016.
Hsd

T.SUNIL CHOWDARY, J

Note: CC in one week

¹ 2013 (2) ALT 263 (D.B.)