

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.5817 OF 2016

DATED:02-12-2016

Between:

Kantamreddy Venkata Ramana Rao
and others

... Petitioners

And

Kapil Chit Funds Pvt. Ltd.,
Visakhapatnam Branch
Rep. by its Recovery Officer
D. Sanjay Kumar
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Ms. A. Sunitha,
for Mr. G.L. Nageswara Rao

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of order dt.19.08.2016 in E.P. No.77 of 2016 in O.S. No.562 of 2012, on the file of the Principal Junior Civil Judge, Visakhapatnam, FAC III Additional Junior Civil Judge, Visakhapatnam.

I have heard Ms. A. Sunitha, learned counsel representing Mr. G.L. Nageswara Rao, learned counsel for the petitioners, and perused the record.

The aforementioned suit was decreed against defendant Nos.1 to 5, including the petitioners, who are defendant Nos.2 to 5. As the petitioners failed to pay the amount, respondent No.1 filed the E.P. for attachment of salary of the petitioners. The petitioners filed a counter affidavit taking the stand that since the decree directed the “defendant” to pay the amount, the petitioners are not liable to pay the said amount. The lower Court has rejected this plea, and in my view, rightly on the reasoning that the petitioners cannot take advantage of the singular expression used by the Court and observed that respondent No.1 – decree holder is entitled for the attachment of salary of the petitioners.

Learned counsel appearing for the petitioners submitted that all the petitioners are liable to pay Rs.16,466/- only, but the lower Court has directed attachment of the said sum from each of the petitioners and their salaries were accordingly attached. This submission, in my opinion, is the result of misreading of the order under revision. The words “Therefore, the petitioner/decreed holder is entitled for the attachment of salary of judgment debtors 2 to 5 for an amount of Rs.16,466/-, i.e., this petition claim” would necessarily mean that the attachment of salary of the petitioners together is only for a sum of Rs.16,466/-.

The learned counsel further submitted that petitioner No.2 is agreeable for attachment of his salary to the extent of Rs.16,466/- and that a direction may be issued to the lower Court to ensure that the attachment of salaries of petitioner Nos.1, 3 and 4 is raised. Having regard to this submission, the lower Court shall verify and if it finds that the attachment of the salaries of the petitioners together to the extent of Rs.16,466/- satisfies the decree granted in the E.P., the attachment of salary shall be continued in respect of petitioner No.2 only for a sum of Rs.16,466/-, and the attachment of salaries of the other petitioners shall be raised forthwith.

Subject to the above directions, the civil revision petition is disposed of.

As a sequel to disposal of the civil revision petition, C.R.P.M.P. No.7566 of 2016 shall stand disposed of as infructuous.

02-12-2016

bnr

C.V. NAGARJUNA REDDY, J

