

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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CIVIL REVISION PETITION No.199 OF 2016
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ORDER:

This Revision is filed under Section 115 of the Code of Civil Procedure (herein after, 'the C.P.C.') questioning the order dated 10.10.2014 passed by the Court of Principal Junior Civil Judge, Markapur, Prakasam District, in E.P.No.7 of 2014 in O.S.No.231 of 2012.

2. Heard Smt.Bonthu Rajani, learned counsel, appearing for the petitioner and perused the material available on record.

3. The respondent herein instituted O.S.No.231 of 2012 for recovery of amount and the Court below decreed the said suit on 19.08.2013. It is an admitted fact that the said decree is not appealed against. Seeking enforcement of the said decree, by way of attachment of salary of the petitioner herein, the respondent filed E.P.No.07 of 2014 on 23.01.2014. The learned Principal Junior Civil Judge, Markapur, Prakasam District, ordered attachment of the salary of the petitioner by way of an order dated 10.10.2014. The said order is under challenge in the present Revision Petition.

3. Principally, there are two contentions raised in the present Revision Petition:

- 1) The Court below without issuing any notice in advance, ordered attachment of the salary of the petitioner; and
- 2) The Court below did not adhere to the procedure prescribed under Section 60 of the CPC.

4. With regard to the first objection, in view of the provisions of Order XXI Rule 22 of the C.P.C., since the decree was granted on 19.08.2013 and as the E.P. was filed 23.01.2014 i.e., within two years, the first objection cannot be sustained and is accordingly rejected.

5. Coming to the second objection that the Court below did not

follow the procedure as contemplated under Section 60 of the C.P.C., this Court is of the opinion that if the same is indicated in the present order, the purpose would be served in accordance with the provisions of Section 60 of the C.P.C.

6. For the aforesaid reasons, Revision Petition is dismissed. However, the attachment ordered by the Court below shall be subject to the provisions of Section 60 of the C.P.C.

7. Miscellaneous petitions pending consideration, if any, in the Revision Petition shall stand closed in consequence. There shall be no order as to costs.

A.V.SESHA SAI, J

12.02.2016
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