

**HON'BLE SRI JUSTICE R.KANTHA RAO
and
HON'BLE SRI JUSTICE DR B.SIVA SANKARA RAO**

C.R.P.No.436 of 2016

ORDER: (Per Hon'ble Sri Justice R.Kantha Rao)

This Civil Revision Petition is directed against the docket order dated 24.04.2015 passed in E.P.No.80 of 2015 in ABR/CF/No.434 of 2014 by the VIII Junior Civil Judge, City Civil Judge, City Civil Courts, Hyderabad.

The Revision Petitioner is the decree holder, who filed ABR.CF.No.434 of 2014 on the file of the Deputy Registrar of Chits/Arbitrator, Erragadda, Hyderabad (South), for recovery of an amount of Rs.2,06,039/- against the respondents-judgment debtors. The said case was disposed of on 15.11.2014 directing respondents 1 to 5 to jointly and severally pay the disputed claim amount of Rs.2,06,039/- with interest at 18% per annum on the principal amount of Rs.1,80,000/-. When the respondents-judgments debtors failed to pay the amount, the decree holder filed E.P.No.80 of 2015 before the VIII Junior Civil Judge, City Civil Courts, Hyderabad, seeking to issue warrants and realize the award amount from the salaries of the respondents. The trial Court on 24.04.2015 issued warrants against respondents 1, 2, 3 & 4 for recovering an amount of Rs.48,027/- each

towards their portion of liability. Challenging the same, the present revision has been preferred.

Learned counsel appearing for the revision petitioner submits that there is no provision of sharing the decretal amount among the judgment-debtors. He further submits that in the Execution Petition, the Executing Court erroneously passed the order apportioning liability among the respondents-judgment debtors 1 to 4.

Under law, the decree-holder can execute the decree against any one of the judgment-debtors or all of them. The order passed by the Executing Court is therefore, erroneous and misconceived.

Accordingly, the Civil Revision Petition is allowed. The petitioner-decree holder is at liberty to execute the decree taking recourse to any method for recovering the decretal amount from one or all other Judgment Debtors.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE R.KANTHA RAO

JUSTICE DR B.SIVA

SANKARA RAO

18th April, 2016

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