

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.890 of 2014

ORDER:

The only contention in the revision maintained against the order of the lower Court under Order XXI Rule 48 CPC read with Section 60 CPC for attachment of the salary of the judgment debtor to recover decree debt by the decree holder in E.P.No.93 of 2013, is that the trial Court went wrong in ordering attachment without notice and opportunity before ordering attachment.

Undisputedly, the execution application filed was within two years from the date of the decree under execution. Once such is the case, there is no requirement of any notice as contemplated under Order XXI Rule 22 CPC before ordering attachment. However, even attachment tentatively ordered, notice to the judgment debtor is mandatory for his appearance and to raise objections for the attachment made, if any, by showing non-liability for attachment for one or other grounds. Here that is the only grievance, pursuant to which while admitting the revision, this Court granted interim stay of the order under revision for four weeks and extended subsequently.

Having regard to the above, as the revision is of the year 2014 and pursuant to stay of execution proceedings, to sub serve the ends of justice, this revision petition is disposed of directing the revision petitioner/judgment debtor to appear before the trial Court i.e., executing court on or before 11.08.2016 either in person or through advocate and file any objections to the order of attachment made if at all shown the salary is not attachable for any of the grounds for Court to enquire therefrom either to vacate the interim attachment made or make the attachment absolute as the case may be on own merits.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 20.07.2016
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