

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CIVIL REVISION PETITION No.5309 of 2011

ORDER :

Heard the learned counsel for the revision petitioner/ J.Dr. and learned counsel for the 1<sup>st</sup> respondent/ decree holder and perused the respective docket orders in E.P.No.2 of 2010 of execution of decree in O.S.No.267 of 2007 on the file of the Principal Junior Civil Judge, Narasapuram, West Godavari District.

In execution for attachment of salary of the J.Dr. by the D.Hr. sought for concerned, there is nothing required mandatorily, unless the decree is more than two years old to issue notice under Rule 22 of Order XXI C.P.C. for the attachment of salary of a decree within two years can automatically be ordered. Leave about, when even in a decree of two years old to be ordered, from the very wording of Rule 22 of Order XXI C.P.C. and its consequence.

Once there is an attachment and notice even sent to intimate there is another attachment pending, the executing Court definitely, shall decide, which attachment order is first issued for the same to comply within the statutory period

contemplated by Order XXI Rule 48 r/w 60 C.P.C. It is only a continuous period of salary attachment beyond 24 months, if at all even cannot be. It is a matter to be agitated by the J.Dr. if necessary by filing an application under Section 47 C.P.C. instead of maintaining the revision. Hence, there is nothing to keep the revision petition pending.

Accordingly, the Civil Revision petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

Date:31-10-2017

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Dr. B. SIVA SANKARA RAO, J

