

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.4836 and 4837 of 2010

ORDER :

Impugning the respective orders, dt.04.10.2010 in E.P.No.119 of 2010 in O.S.No.516 of 2004 and in E.P.No.175 of 2010 in O.S.No.511 of 2004 passed by the learned Senior Civil Judge, Vijayawada for attachment of the salary of the 2<sup>nd</sup> respondent/ J.Dr. in one Execution Petition out of 5 J.Drs. and against J.Dr.Nos.1,2 and 4 in another Execution petition, who are the guarantors to the principal debtor among the 5 J.Drs. in respective Execution Petitions for realization of the decretal amount by the D.Hr- NITS Chit Fund private Limited, the revisions are maintained by respective J.DRs. mainly with the common contentions that the principal debtor-J.Dr.No.1 got amounts sufficiently and without proceeding against him, the executing Court should not have chosen to proceed against the respective J.Drs. being guarantors.

Heard and perused the material on record.

Once the decree is passed, it is the privilege of the D.Hr. to proceed against any of the J.Drs. whether he is a guarantor or principal debtor as the case may be and there is no law much less precedent as on date saying without proceeding against the principal debtor, the executing Court cannot proceed against the guarantors. Hence, both the revisions are liable to be dismissed for

nothing to interfere with the orders of the trial Court impugned herein.

Accordingly, both the revisions are dismissed by upholding the orders impugned herein. Consequently, Miscellaneous Petitions, if any, pending in this Revision, shall stand closed.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date:26.12.2017  
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