

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
CIVIL REVISION PETITION No.1242 of 2010

ORDER:

This revision is filed against the order dated 08-02-2010 in E.P.No.104 of 2009 in O.S.No.1204 of 2005, wherein the Court below attached the salary of the petitioner for the purpose of realization of decretal debt obtained by the 1st respondent-decree holder.

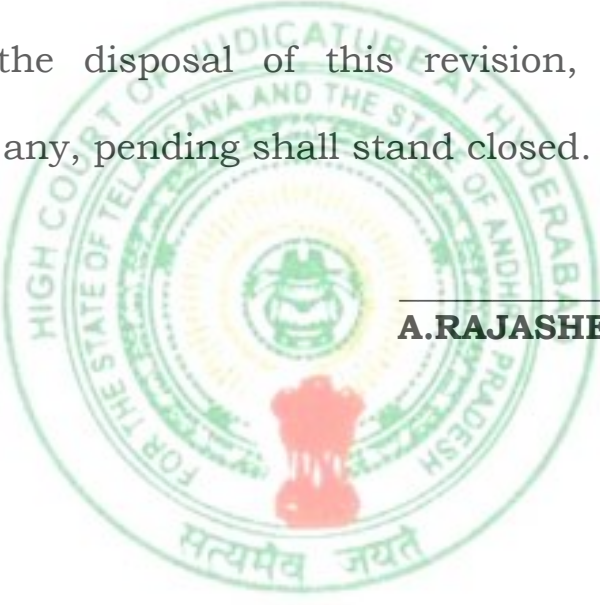
Learned counsel for the petitioner says that one Judgment-debtor in the same suit paid Rs.40,000/- to the Decree-holder prior to decree and the same has been deducted out of decretal amount and the other contention is that decree-holder proceeded only against the petitioner-guarantor leaving other guarantors.

It is to be seen that decree is several and joint. As such, it is open for the decree-holder to proceed against the principal debtor or against the guarantors and the judgment-debtors has no locus standi to question the same. If any amounts are paid prior to the decree that should have even brought to the notice of the Court while passing the decree and more so judgment and decree has become final. While coming to the merits, learned counsel for the petitioner is not in a position to point out any infirmity in the order passed by the Court below except

urging Rs.40,000/- paid prior to date of decree has not been given credit to.

I have perused the order passed by the Court below and the Court below has elaborately considered the issue and passed the impugned order. This Court cannot re-appreciate the evidence while exercising power of revision under Section 115 of C.P.C.

In view of the same, I do not see any merit in the revision and accordingly, the same is dismissed. As a sequel to the disposal of this revision, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

10-08-2017
Nvl



