

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3296 of 2017

ORDER:

This revision petition is filed under Section 115 of the Code of Civil Procedure, 1908, challenging the order dated 27.6.2017 in E.P. No.121 of 2015 in O.S.No.231 of 2010 on the file of the Court of Principal Junior Civil Judge at Kothagudem, wherein and whereby the salary of the petitioner herein was attached.

2. Heard the learned counsel for the petitioner. In spite of service of notice, the respondents did not choose to appear. Hence, this Court is inclined to pass orders on merits in the absence of the respondents.

3. The learned counsel for the petitioner submitted that the Court of Principal Junior Civil Judge at Kothagudem has no jurisdiction whatsoever to entertain the E.P. filed by the first respondent, as the petitioner has been residing in Unjupalli Village, Charla Mandal, Khammam District, which is notified as Agency Area. He further submitted that the impugned order is not sustainable in law as the Court of Principal Junior Civil Judge at Kothagudem lacks inherent jurisdiction to entertain the E.P.

4. A perusal of the record reveals that the first respondent filed O.S.No.231 of 2010 against the petitioner herein for recovery of the suit amount. After full-fledged trial, the trial Court decreed the suit in favour of the first respondent. In order to realize the decretal amount, the first respondent filed E.P.No.121 of 2015 for recovery of Rs.36,440/-. The first respondent also filed a petition for attachment of the salary of the petitioner. The trial Court

issued warrant directing the second respondent to deduct an amount of Rs.9,110/- from the salary of the petitioner. Hence, the present revision petition.

5. A perusal of the record reveals that the address of the petitioner was mentioned as “*Turram Subba Rao, S/o.Ramulu, aged about 47 years, Occ: Head Master, T.W.A.H. School, Unjupalli Village, Charla Mandal, Khammam District*”. It is not in dispute that the petitioner is residing within the agency area.

6. To substantiate the arguments, learned counsel for the petitioner has drawn attention of this Court to the decision reported in **Puligujju Vasantha Rao v M/s.Shriram City Union Finance Ltd., Bhadrachalam, rep. by its Authorized Signatory¹**, wherein it was held that the decree or award passed by a Court outside the Agency tracts be forwarded to the Agent to the State Government for execution. The facts of the case on hand are almost identical to the facts of the case cited supra. The E.P. itself is not maintainable on the file of the Court of Principal Junior Civil Judge at Kothagudem, which lacks inherent jurisdiction.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, the Civil Revision Petition is allowed setting aside the order dated 27.6.2017 in E.P. No.121 of 2015 in O.S.No.231 of 2010 on the file of the Court of Principal Junior Civil Judge at Kothagudem, as the E.P. itself is not maintainable. However, allowing of this revision does not preclude the first respondent to file E.P. in appropriate Court.

¹ 2013 (2) ALT 263 (D.B.)

No order as to costs. Miscellaneous petitions, if any pending in this civil revision petition, shall stand closed.

T.SUNIL CHOWDARY, J

November 03, 2017.
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