

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CRP No.1007 of 2017

ORDER:

This civil revision petition is filed by the petitioner-judgment debtor no.2 in EP No.21 of 2009 assailing the order dated 16-12-2016 on the ground that the Court below, though in the judgment rendered in suit OS No.132 of 2004 categorically held that defendant no.1 being the subscriber of the chit with the plaintiff-chit fund company is liable to pay the suit amount in installments at the rate of Rs.4,000/- per month with a default clause, now in the EP, the suit amount is directed to be recovered also from the salary of the petitioner, which is against the terms of the judgment in the suit. It is also stated that the 1st defendant is willing to pay the amounts as directed in the judgment passed in suit OS No.132 of 2004. Hence, revision petition.

2. Heard the learned counsel for the petitioner. Perused the impugned order.

3. The petitioner is one of the guarantor and it is settled proposition of law that the liability of the guarantor co-exists with that of the principal debtor. The decree is passed against all the defendants. 1st defendant is permitted to pay amounts in installments. In the

circumstances, I do not see any reasons to interfere with the impugned order passed by the Court below.

4. Accordingly the civil revision petition is dismissed. Miscellaneous petitions, if any pending shall also stand dismissed. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 24-03-2017
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