HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.3879 of 2010

ORDER:

Heard Sri N.Subba Rao, learned counsel for petitioners and perused the impugned order in E.P.No.50 of 2009 in O.S.No.243 of 2006.

2. The following are the four types of death benefits of the deceased/Judgment Debtor No.2 found with garnishee:

1. Staff retirement benefit scheme amount Rs.34,063/-
2. E.D.L.I.F. Rs.39,345/-
3. Gratuity Rs.94,875/-
4. Additional Monetary Benefit Rs.1,00,000/-.

3. The petitioner/Decree Holder admitted before the lower Court that Items 2 and 3 are not liable for attachment and he sought for attachment in respect of items 1 and 4 i.e. Staff retirement benefit scheme amount of Rs.34,063/- and Additional Monetary Benefit Rs.1,00,000/-, but the execution court observed that Item No.1 could alone be attached. So far as Item No.4 i.e. Rs.1,00,000/- i.e. Additional Monetary Benefit is concerned, it was held that the said benefit was provided to the spouse of the deceased-employee, in lieu of employment in APSRTC and the Judgment Debtor No.3 applied for benefit of the said amount instead of employment and therefore, the said amount belonged to her and as such, the said amount was not liable for attachment.

4. Ultimately, the execution court made absolute the attachment already effected in respect of Rs.34,063/-. On perusal, this Court does not find any irregularity or illegality in the order impugned.

5. Learned counsel for petitioner could not substantiate as to how the amount of Rs.1,00,000/-, which was given to the spouse of the second Judgment Debtor, as an Additional Monetary Benefit in lieu of her employment in APSRTC, could be attached. The reason given by the execution Court for exempting the said amount from the attachment is found perfectly correct.

6. There are no merits in the civil revision petition and the same is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions if any pending in this petition, shall stands dismissed.

U.DURGA PRASAD RAO,J

10.03.2017
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