

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1048 of 2017

ORDER:

The petitioner has challenged the docket order dated 28.10.2016 passed in E.A.No.149 of 2016 in E.P.No.10 of 2016 in O.S No.87 of 2013 pending on the file of Senior Civil Judge, Repalle.

2. The petitioner is the Judgment Debtor and the decree was passed on 26.11.2013. In the impugned order dated 28.10.2016, it is reflected that Rule.22 notice was issued against the petitioner/J.Dr and the same was returned as door locked since 11.03.2016. However, on 08.07.2016, it was returned as 'un-claimed'.

3. It is not in dispute, as per the practice of this Court, 'un-claimed' means, the petitioner refused to receive notice. Therefore, the Court below treated the service has been affected and permitted to continue the proceedings. Accordingly, the petition under Order XXI Rule 22 CPC was allowed. Consequently, directed the Disbursing Officer, to attach the salary of the petitioner/J.Dr and salary attachment warrant was served on 01.08.2016. Consequently, salary was attached on 12.07.2016 and also issued Rule.48 notice to the petitioner/J.Dr to file his objections.

4. The present petition was filed on 01.03.2017 and vide the present petition, the petitioner seeking setting aside the docket order dated 28.10.2016.

5. In view of the facts recorded above, I find no merit in the instant petition and the same is hereby dismissed.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date : 16-03-2017

Gvl

