

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**C.R.P.No.6623 OF 2017**

**ORDER:**

This revision petition is filed under Section 115 of the Code of Civil Procedure Code challenging the order dated 23.08.2016 in E.P.No.126 of 2016 in O.S.No.66 of 2013 passed by the Principal Senior Civil Judge, Kothagudem, for attachment of salary of the petitioner towards discharge of decretal debt for a sum of Rs.7.32,891/- and directing the pay and disbursement officer to withhold/attach a sum of Rs.7,32,891/- from the salary of the petitioner in monthly installments at the rate of 1/3<sup>rd</sup> of the excess amount over and above of Rs.1000/- per month subject to Section 60 of C.P.C. and remit the said sum to the Court by way of demand draft in favour of the Principal Senior Civil Judge, Kothagudem every month.

The contention of learned counsel for the petitioner before this Court is that the decree obtained by the respondent is an exparte and as such the petitioner filed a petition under order 9 Rule 13 C.P.C. to set aside the exparte decree along with applications to condone the delay and for stay. But the trial Court did not dispose the said applications and kept pending since long time. In view of the pendency of the application, learned counsel for the petitioner sought to set aside the impugned order.

In view of the submissions made by the learned counsel for the petitioner since the order was passed in the month of August, 2016 and the drawing officer might have complying with the directions of the Court from the last more than one year.

Therefore, at this stage, it is difficult to set aside the impugned. However, it is appropriate to direct the trial Court to decide the applications filed by the petitioner before it, as expeditiously as possible in any event not later than two months from the date of receipt of a copy of this order in accordance with law.

With the above direction, the civil revision petition is disposed of at the stage of admission.

Miscellaneous petitions, if any, pending in the criminal revision petition, shall stand closed.

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**M. SATYANARAYANA MURTHY J**

Date: 30.11.2017  
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