

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4798 OF 2016

ORDER:

Heard and perused the record.

This Civil Revision Petition under Section 115 of the Code of Civil Procedure is filed by the petitioner-judgment debtor challenging the order dated 01.08.2016 passed in E.P.No.35 of 2016 in O.S.No.395 of 2014 on the file of the Additional Senior Civil Judge, Madanapalle, whereby the Court below ordered attachment of salary of the petitioner @ Rs.10,000/- per month for a period of 24 months commencing from the month of August, 2016.

By an order dated 30.09.2016, this Court stayed all the further proceedings in E.P.No.35 of 2016 for a period of four weeks. Thereafter, the interim order was not extended.

The grievance of the revision petitioner is that if an amount of Rs.10,000/- is attached from the monthly salary, it would be difficult for her to survive with the remaining meager salary amount. Learned counsel for the petitioner submits that already an amount of Rs.8,556/- is being deducted from the monthly salary of the revision petitioner in connection with E.P.No.16 of 2015 for a period of twenty months, which commenced from the month of May, 2016. In view of the above, the counsel submits that it would be very difficult for the revision petitioner to maintain her family with the meager amount of salary.

As seen from the material available on record, E.P. was filed for realization of an amount of Rs.3,33,301/-. A counter came to be filed before the Court below opposing the contents. By an order

dated 01.08.2016, the Court below rejected the request of the petitioner on the ground that the petitioner is earning a gross salary of Rs.58,884/-.

It is to be noted that even after deducting Rs.35,780/-, the petitioner was still getting the monthly net salary of Rs.23,104/-. Since the take-home salary of the petitioner is Rs.23,000/-, 1/3rd of the same can be directed to be deducted for payment of the decretal amount. Even if Section 60 of the Civil Procedure Code is applied to the salary of the revision petitioner, an amount of Rs.1,000/- is to be deducted per month which comes to Rs.12,000/- per annum. Taking into consideration all these circumstances and in view of the orders passed in another E.P.No.16 of 2015 wherein an amount of Rs.8,556/- was directed to be deducted from the monthly salary of the revision petitioner, this Court is of the view that an amount of Rs.8,000/- can be ordered to be attached from the monthly salary of the revision petitioner for a period of 30 months commencing from the pay bill of February, 2017, instead of Rs.10,000/- as ordered by the trial Court.

With the above modification, the Civil Revision Petition is disposed of.

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

C. PRAVEEN KUMAR, J

Date: 27.01.2017
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