

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**CIVIL REVISION PETITION No.5944 OF 2017**

**ORDER :**

This Revision is filed assailing the order dt.18.09.2017 in O.E.P.No.60 of 2016 in O.S.No.104 of 2014 on the file of Senior Civil Judge, at Punganur.

2. The petitioner herein is Judgment-Debtor in the above suit.
3. The said suit was filed for recovery of money by respondent against petitioner and was decreed on 04.11.2015 as prayed for.
4. Though the petitioner filed A.S.No.1 of 2016 against the said judgment and decree before the II Additional District Judge, Madanapalle, no stay was granted on execution of the decree in the suit.
5. Thereafter, O.E.P.No.60 of 2016 was filed by the respondent for attachment of the salary of petitioner of a sum of Rs.17,000/- from out of salary of Rs.51,000/- per month being drawn by petitioner, who is employed as a teacher at M.P.P. School, Aravapalli of Punganur Mandal, Chittoor District, Andhra Pradesh.
6. Counter-affidavit was filed by petitioner opposing the said application stating that appeal preferred by him is still pending, and pending disposal of the appeal, the decree may not be executed.
7. The Court below rejected the said contention and held that when there is no prohibition from the appellate court for execution of the decree in the

suit, and when there is no evidence to show that petitioner is exempted from making payment of the E.P. amount under any Law, the salary of petitioner is liable to be attached.

8. Assailing the same, the present Civil Revision Petition is filed.

9. Though the counsel for petitioner sought to contend that pending appeal, preferred by the petitioner before the II Additional District Judge, Madanapalle, I do not agree with the same since the decree can be executed since there is no stay of execution of the decree granted by the appellate court.

10. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Section 115 of C.P.C. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

**JUSTICE M.S.RAMACHANDRA RAO**

Date: 10.11.2017

Ndr/\*