

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.2121 OF 2012

ORAL ORDER:

No representation for the revision petitioner. Learned counsel for the respondent No.1 is present.

2. The present Civil Revision Petition, under Section 115 of the Civil Procedure Code, 1908 (for short, 'C.P.C.'), is filed by the judgment debtor No.3 in E.P. No.451 of 2010 in O.S. No.397 of 2009, questioning the order, dated 29.02.2012, passed by the learned Principal Junior Civil Judge, Kakinada (for short, 'the trial Court'); whereby the trial Court, in the application filed under Order XXI Rule 48 of C.P.C., rejected the objections raised by the judgment debtor No.3, who is the revision petitioner herein, and made the attachment of the salaries of judgment debtors 1 to 3 and 5 to the extent permissible.

3. This Court, at the stage of admission, on 27.04.2012, granted stay of Execution Proceedings, imposing a condition that a sum of Rs.20,000/- be paid within four (4) weeks to the credit of E.P. No.451 of 2010 in O.S. No.397 of 2009.

4. Learned counsel for the respondent No.1 – decree holder would submit that the said condition was not complied with.

5. Even otherwise, a Civil Revision Petition cannot be kept pending for years together. In fact, the docket proceedings would show that earlier, learned counsel for the petitioner – judgment debtor No.3, on 12.10.2017, sought time to find out the status of the Execution Petition; later, there was no representation on 27.10.2017, on which date learned counsel for the

respondent No.1 – decree holder sought time to find out whether the E.P. debt has been satisfied or not.

6. Irrespective of the fact that what all the provisions of Section 60 C.P.C. provide is, attachment of the salary for a total period of 24 months either intermittently or consecutively. Even if the decretal amount is not satisfied, other modes of execution are available to the respondent No.1 – decree holder. Thus, there is no merit in the Civil Revision Petition.

7. Therefore, the present Civil Revision Petition is dismissed. There shall be no order as to costs.

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

Date: 22.03.2018.
Dsh



A.SHANKAR NARAYANA, J