

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

C.M.A.No.601 of 2006

JUDGMENT:

This appeal is filed under Order 43 Rule 1(r) CPC challenging the orders dated 29.06.2006 passed in I.A.No.549 of 2006 in P.O.P.No.26 of 2006 on the file of the Court of Principal Senior Civil Judge, Kothagudem.

2. Heard the learned counsels appearing for both parties.
3. On 07.09.2006, this Court granted interim direction as follows:

“Having heard learned counsel and having regard to the provisions of Section 60 of Code of Civil Procedure and the bar that gratuity and provident fund of an employee are not liable to be attached, the defendant No.1 – petitioner is entitled to the gratuity and the provident fund.

It is therefore clarified that the official respondents shall disburse the amounts lying in its custody only to the petitioner in regard to gratuity and provident fund (CMPF) and the other retiral benefits are liable to be attached subject to the provisions of Section 60 CPC.”

4. Both counsel submitted that the interim order granted by this Court on 07.09.2006 may be continued up to disposal of main O.P. Both counsel further submitted that the trial Court may be directed to dispose of main O.P. as expeditiously as possible, preferably, within six months from the date of receipt of copy of the order.

5. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

6. Having regard to the facts and circumstances of the case, the C.M.A. is disposed of directing the learned Principal Senior Civil Judge, Kothagudem, to dispose of P.O.P.No.26 of 2006 as expeditiously as possible, preferably, within a period of three months from the date of receipt of copy of this order. However, interim order granted by this Court on 07.09.2006 will continue till disposal of POP No.26 of 2006. No order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

9th July 2018,
Rns

T.SUNIL CHOWDARY, J

