

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.3782 of 2018

ORDER:

Though Sri M.Sudheer Kumar offers to appear for respondent No.1, there is no representation and no vakalat filed. Thus respondent No.1 is set exparte. R.2 is only garnishee.

Heard learned counsel for the petitioner.

Though Order XXI Rule 22 Sub Rule 1 CPC mandates giving of notice but for the proviso which speaks if there is an earlier EP that was disposed of pursuant to the decree even from the date of decree it is more than 2 years from date of earlier execution petition if within 2 years no notice is required. That is not end of the provision for sub Rule 2 of Rule 22 of Order XXI CPC speaks the Court for reasons to be record got the power to dispense with the giving of notice even of the decree under execution is beyond 2 years. The very purpose of giving said notice is if at all the decree is satisfied or abated or any worth intervening circumstances to dispute the very execution or by showing any discharge or satisfaction among 3 limbs contemplated by Section 47 CPC.

In the grounds of revision, it is none of the case of the party/revision petitioner/J.Dr. but for impugning by saying no reasons even recorded.

It is undisputedly the duty of the Court to see that the fruits of the decree be realized by the decree holder that too

when no appeal filed much less with any stay of the decree made final now under execution that too it is only a salary attachment.

Having regard to the above, there is nothing to sit against the order of the lower Court in this revision.

Accordingly and in the result, this Civil Revision Petition is dismissed.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 20.07.2018
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