

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CIVIL REVISION PETITION No.3011 OF 2011**

**ORDER:**

This revision is filed, under Article 227 of the Constitution of India, challenging the order dated 07.06.2007 in I.A. No.514 of 2007 in O.S. No.228 of 2007 passed by the Prl. Junior Civil Judge, Gurazala, whereby the learned Judge ordered attachment of retirement benefits of the petitioner exercising power under Rule 5 of Order XXXVIII of the Code of Civil Procedure, 1908 (for short 'CPC').

The petitioner filed this revision on the ground that the as per Section 60 of CPC, retirement benefits of a retired employee are not liable to be attached. But the trial court did not consider this contention.

The petitioner did not raise this contention under Rule 8 of Order XXXVIII of CPC before the trial court, directly approached this Court by invoking Article 227 of the Constitution. But what are the amounts payable to the respondent herein is not known. Therefore, the petitioner is permitted to file an application under Rule 8 of Order XXXVIII of CPC before the trial court. On filing such application, the trial court is directed to decide the same, within two months from the date of filing of such application, after affording opportunity to both the parties.

With the above direction, the civil revision petition is disposed of. No costs.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

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**M.SATYANARAYANA MURTHY, J**

Date:07.03.2018  
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