

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.4714 OF 2018

ORDER:

This civil revision petition is filed under Section 115 of Civil Procedure Code (for short "C.P.C.") questioning the legality and propriety of the order dated 13.04.2018 passed in E.P.No.141 of 2016 in D.R.K.No.51 of 2013 by the Senior Civil Judge, Proddatur, whereby the petition filed under Order XXI Rule 48 of C.P.C. was allowed attaching the salary of the respondents/J.Drs.4 and 5.

The petitioner herein is the Judgment Debtor (J.Dr.) No.5. The main question raised before this Court is that the order is contrary to Section 60 of C.P.C. and the salary slip of the petitioner is also placed on record and requested to pass appropriate order.

Undisputedly, execution ~~petition~~ is filed for realisation of the debt as per the order passed by the Deputy Registrar of Chits, Kadapa in D.R.K.No.51 of 2013 and the petitioner herein is the J.Dr.No.5, but the debtors are jointly and severally liable to pay the debt.

In view of the plea raised by the petitioner, the impugned order is contrary to Section 60 of C.P.C. It is appropriate to modify the order passed by the Senior Civil Judge directing the attachment of salary of J.Dr.No.5 subject to Section 60 of C.P.C. and Drawing and Disbursing Officer is directed to recover the amount from the salary of the petitioner/J.Dr.No.5 subject to exemptions contained in Section 60 of C.P.C.

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

Consequently, miscellaneous applications pending if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

24.08.2018
Ksp

