

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.4670 OF 2017

ORDER:

This civil revision petition is filed under Section 115 of C.P.C questioning the order in E.A.No.574 of 2017 in E.P.No.154 of 2017 dated 23.08.2017 passed by the IV Senior Civil Judge, City Civil Court, Hyderabad, wherein the Court below ordered notice to the respondents and posted the matter to 21.09.2017.

The petitioner filed E.A.No.574 of 2017 to issue a direction to the fifth respondent/garnishee i.e. drawing and disbursing officer, Principal, Government Junior College (Boys), Wanaparthi to withhold and remit an amount of Rs 9,94,624/- from retiral benefits of the second respondent/J.Dr, as there is no possibility to recover the amount from him. But, the Court below, instead of passing an order to withhold and remit the E.P amount, ordered notices to the respondents.

During hearing, learned counsel for petitioner Sri V.S.R.M.V. Prasad Sanaka submitted that, in CRP MP No.6106 of 2017 in CRP No.4670 of 2017, an interlocutory order was passed on 12.09.2017, whereby, this Court issued a direction to the first respondent to withhold retiral benefits to a tune of Rs.9,94,624/- or such sum equivalent to the leave encashment benefits of the second judgment debtor.

Since, this Court passed an interim order, on 12.09.2017, I deem it appropriate to direct the IV Senior Civil Judge, City Civil Court, Hyderabad, to dispose of E.A.No.574 of 2017 in E.P.No.154

of 2017, as expeditiously as possible, preferably within a period of one month from the date of receipt of copy of this order, while continuing the restraint order passed by this Court in CRP MP No.6106 of 2017 in CRP No.4670 of 2017 subject to Section 60 of C.P.C

With the above modification of interlocutory order and direction, the civil revision petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

Date:30.01.2018

Note: copy by 06.02.2018
b/o
SP

JUSTICE M. SATYANARAYANA MURTHY

