

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Civil Revision Petition No.4986 of 2018

ORDER :

The petitioner is Judgment-Debtor(J.Dr.) in E.P.No.86 of 2017 in O.S.No.151 of 2008, preferred the present Revision aggrieved by the impugned order of the learned Prl.District Judge, Nellore, dt.15.02.2018 which is an order of attachment of salary of the petitioner/ J.Dr.

It is the contention of the learned counsel for the petitioner/ J.Dr. that the Court did not properly appreciate the case in ordering the amount more than what is required to be attached.

In this regard, Section 60 of CPC sub Section 1 clause(i) specifically speaks as follows:

(i) Salary to the extent of the first '[one thousand rupees and two-thirds of the remainder in execution of any decree other than a decree for maintenance: Provided that where any part of such portion of the salary as is liable to attachment has been under attachment, whether continuously or intermittently, for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months, and, where such attachment has been made in execution of one and the same decree, shall, after the attachment has continued for a total period of twenty-four months, be finally exempt from attachment in execution of that decree;

Once such is the case, that too for the attachment to continue for 24 months and it is not a case of there is any other subsisting attachment, remedy is left open by virtue of this order within one week from the date of receipt of the order to file any application before the Court for re-fixation of the amount that to be deducted out of the salary attachment for recovery of the amount, and the same to be disposed of within 15 days thereafter for re-fixation if necessary.

In the result, the Civil Revision Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Revision, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 31.08.2018
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