

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

C.R.P.No.2617 OF 2012

ORDER

Questioning the order, dated 27.08.2010, in E.P.No.212 of 2009 in O.S.No.798 of 2008 on the file of the Additional Junior Civil Judge, Cyberabad, Kuktapally at Miyapur, whereby and whereunder, salary attachment warrant was issued against respondent No.4, present revision petition is filed.

02. Though, this civil revision petition relates to the year 2012, in fact, it was filed on 27.01.2011 with delay condonation petition, which was allowed by this Court, and even stay was granted on 13.04.2011, directing the petitioner to deposit an amount of Rs.40,000/-.

03. However, the petitioner has not deposited the said amount. In fact, the petitioner ought to have shown interest. Today, the case is listed under the caption 'stayed matters'.

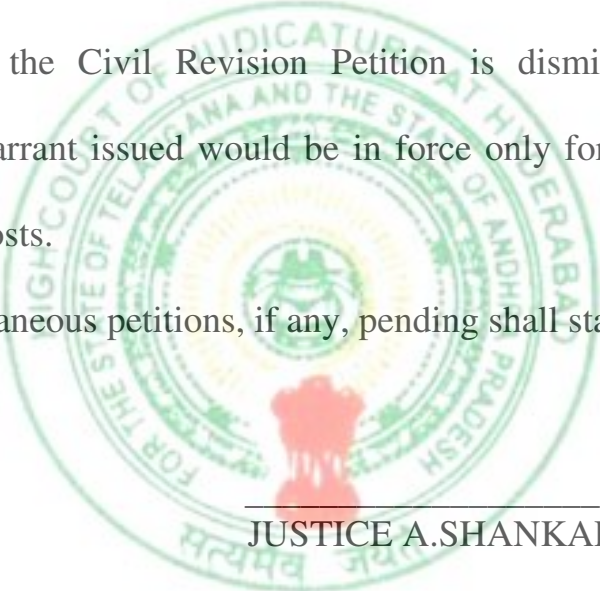
04. Learned counsel for the respondent/decree holder is present and advanced his arguments.

05. Before the Court below, respondent No.4, the revision petitioner, resisted the application stating that JD No.1, who is the principal borrower, has paid 42 instalments and is ready to pay the remaining amount. It was further stated that against the decree passed in the suit, A.S.No.285 of 2009 was filed and the same was pending on the file of the II Additional District Judge, R.R. District and

therefore, the proceedings in the execution petition ought not to have been continued, which was rejected by the executing Court with an observation that certified copy filed by the petitioner - 1st respondent herein reveals that the said appeal was dismissed on 19.7.2010, which precedes filing of the counter. Therefore, there is absolutely no merit for the reason that no infirmity is found in the order passed by the Court below directing to issue salary attachment warrant against JD4, the revision petitioner herein, nor the order under challenge would suffer from any material irregularity.

06. Hence, the Civil Revision Petition is dismissed. Even the attachment warrant issued would be in force only for a period of 24 months. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.SHANKAR NARAYANA

19th March, 2018
rkk