

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

CIVIL REVISION PETITION NO.5317 OF 2018

ORDER:

The petitioner is aggrieved by the order dated 10.08.2018 passed by the I Senior Civil Judge, City Civil Court, Hyderabad whereby, the learned Judge has attached the salary belonging to the petitioner, Smt.A.Kavitha.

Sri Karunakar Reddy, learned counsel for the petitioner, pleads that under Order XXI, Rule 48 of the Code of Civil Procedure, 1908 (CPC), it is imperative that the Court attaching the salary must be the Court under whose local jurisdiction the judgment-debtor resides. However, as the petitioner is not residing within the jurisdiction of the said Court, the impugned order is beyond the jurisdiction of the learned Judge. Hence, the order deserves to be set aside by this Court.

Heard the learned counsel for the petitioner.

Order XXI Rule 48 (1) CPC deals with *attachment of salary or allowances of servant of the Government or railway company or local authority*. It reads as under:-

“Where the property to be attached is the salary or allowances of a servant of the Government or of a servant of a railway company or local authority or of a servant of a corporation engaged in any trade or industry which is established by a Central, Provincial or State Act, or industry which is established by a Central, Provincial or State Act, or a Government company as defined in Section 617 of the Companies Act, 1956, the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the Court’s jurisdiction, may order that the amount shall, subject to the provisions of Section 60, be withheld from such salary or allowances either in one payment or by monthly instalments as the Court may direct; and, upon notice of the order to such officer as the appropriate Government may by notification in the Official Gazette appoint in this behalf-
(a) where such salary or allowances are to be disbursed within the local limits to which this Court for the time being extends, the officer or other person whose duty it is to disburse the same shall

withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be;
(b) where such salary or allowances are to be disbursed beyond the said limits, the officer or other person within those limits whose duty it is to instruct the disbursing authority regarding the amount of the salary or allowances to be disbursed shall remit to the Court the amount due under the order, or the monthly instalments, as the case may be, and shall direct the disbursing authority to reduce the aggregate of the amounts from time to time to be disbursed by the aggregate of the amounts from time to time remitted to the Court.”

A bare perusal of the provision clearly reveals that the Court where the judgment-debtor or the disbursing officer is within or without the local limits of the jurisdiction, the Court is still vested with the power to attach the salary or the allowance. Therefore, the contention raised by the learned counsel for the petitioner is belied by Order XXI Rule 48 (1) CPC.

Hence, this Court does not find any illegality or perversity in the order impugned. This Civil Revision Petition is devoid of any merit. It is, hereby, dismissed. Consequent, miscellaneous petitions, if any, pending shall stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, J)

30th November 2018
 RRB