

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.5402 of 2018

20.09.2018

Between:

Pyla Palababu

..Petitioner

and

Putta Venkata Krishna Adinarayana and another

..Respondents

Counsel for the petitioner: Mrs.T.V.Sridevi

Counsel for the respondents: None appeared

The Court made the following:



ORDER:

The petitioner suffered decree for recovery of money at the hands of respondent No.1 in O.S.No.121 of 2014. As the petitioner failed to discharge the decretal debt, respondent No.1 filed E.P.No.15 of 2018 for attachment of E.P. schedule amount and issue of garnishee order to respondent No.2 - the creditor – Chodavaram Cooperative Sugars Ltd., Govada, for sending the said amount payable to the petitioner, to the Court for realization of the same by respondent No.1. The petitioner resisted the E.P. by placing reliance on Section 60(1)(b) C.P.C. While rejecting the objection of the petitioner, the trial Court allowed the E.P.

2. At the hearing, Smt.T.V.Sridevi, learned counsel for the petitioner, has submitted that the amount payable to the petitioner by respondent No.2 sugar factory towards the price of the sugarcane supplied by him is required for earning his livelihood and that therefore, the said amount falls within the provisions of Clause (b) of Section 60(1) C.P.C. This submission, in my opinion, is wholly misplaced.

3. Clause (b) of Section 60(1) C.P.C. reads as under.

“(b) tools of artisans, and, where the judgment-debtor is an agriculturist, his implements of husbandry

and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section.”

What are exempted from attachment by the above reproduced provision are the tools of artisans and if the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may in the opinion of the Court, be necessary to enable him to earn livelihood as such and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of Section 60(1) C.P.C.

4. Section 61 C.P.C. empowers the State Government to declare by general or special order published in the Official Gazette that such portion of agricultural produce, or of any class of agricultural produce, as may appear to the State Government to be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment debtor and his family, shall, in case of all agriculturists or of any class of agriculturists, be exempted from liability to attachment or sale in execution of a decree.

5. It is not the pleaded case of the petitioner that respondent No.1 is seeking attachment of any seed-grain or any agricultural produce. It is also not the pleaded case of the petitioner that any notification was issued by the State Government under Section 61 C.P.C. exempting any agricultural produce from the liability of attachment. Therefore, in my opinion, neither Section 60 nor Section 61 C.P.C. bars attachment of value of the sugarcane supplied by the petitioner to respondent No.2 sugar factory.

6. In the above view of the matter, I do not find any merit in this Civil Revision Petition and the same is, accordingly, dismissed.

7. As a sequel to dismissal of the C.R.P., I.A.No.1 of 2018 filed by the petitioner for interim relief stands dismissed.

20th September, 2018
GHN

C.V.NAGARJUNA REDDY, J

