

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE MS JUSTICE J. UMA DEVI

Civil Revision Petition No.5631 of 2017

Date : 12-09-2018

Between:

Vemula Venkata Lakshmi Kumar, S/o Venkata Ramana,
Aged 33 years, Pointsman, SE/P.Way/MRK, SC Railway,
Markapur Railway Station, Markapur Post and Mandal,
Prakasam District.

... Petitioner

Vs.

CCKR Chits and Finance (P) Ltd., Ongole,
Represented by its Assistant Manager Alluri
Murali Krishnam Raju, S/o Venkata Subba Raju,
Aged about 41 years, Ongole Town, Prakasam
District and 4 others

.. Respondents

For Appellant : Mrs. Nimmagadda Revathi

For Respondents : Mr. K. Mohan Rami Reddy

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Civil Revision Petition No.5631 of 2017

ORDER: (V. Ramasubramanian, J)

Challenging an order of attachment passed in execution of an Arbitration Award, one of the judgment debtors has come up with the above revision.

2. Heard Mrs. Nimmagadda Revathi, learned counsel for the revision petitioner and Mr. K. Mohan Rami Reddy, learned counsel appearing for the 1st respondent-decree holder.

3. By the time the petitioner came up with the above revision, the petitioner suffered deduction from his salary, for a continuous period of about 7 months. Even before the order of attachment, which is the subject matter of this revision, there were some payments made, by other judgment debtors, about which we are not now concerned.

4. It appears that the South Central Railways deducted the amounts payable towards the order of attachment, from the salary of the petitioner every month, but there was some communication gap about the deposit of the said amount before the Executing Court. Therefore, we ordered notice to the South Central Railways to produce the record to show whether they deposited the recovered amount to the credit of the E.P. before the court below. Mr. P. Bhaskar, learned standing counsel for the South Central Railways, produced proof to show that a sum of Rs.45,500/- was recovered

from the salary of the petitioner and deposited to the credit of the Executing Court.

5. It is the contention of the learned counsel for the petitioner that after giving credit to the amount of Rs.45,500/-, the balance payable will only be an amount of Rs.6,118/-. But, according to the learned counsel for the 1st respondent, the amount now lying in deposit, is only Rs.41,580/- and that the balance payable is more than Rs.10,000/-.

6. In other words, the dispute between the parties has now narrowed down to a sum between Rs.6,000/- and Rs.10,000/-. This can be sorted out by the Executing Court itself.

Therefore, the Civil Revision Petition is ordered to the following effect:

- 1) the order of attachment is raised subject to the conditions stipulated herein below;
- 2) both parties shall file memo of calculation before the Executing Court. The Executing Court shall first allow the 1st respondent-decree holder to withdraw all the amounts now lying in deposit before the court below;
- 3) upon the memo of calculation filed by both parties, the Executing Court can come to a decision as to what is the balance amount payable by the petitioner;
- 4) upon such balance amount as determined by the court below being paid by the petitioner, full satisfaction may be recorded in the E.P.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 12-09-2018

Ksn

