

* 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 SRI JUSTICE T. AMARNATH GOUD

+ CIVIL REVISION PETITION No.6711 of 2017

% Date: 23-01-2018

Between:

Ch. Venkateswarlu S/o. Subba Ramaiah,
Working as Assistant Engineer, O/o.
A.P. State Housing Corporation Limited,
Indukurupet Mandal, Nellore District.

...petitioner
(defendant No.3)

Vs.

1. M/s. Shram City Union Finance Limited, Nellore rep. by its
Authorised Signatory cum GPA holder, I. Pavan Kumar Reddy, S/o.
I. Gopal Reddy, R/o. Nellore.
2. Cherlo Samantha W/o. Srinivasulu Reddy, R/o. D.No.11-1-1182,
Santhi Nagar, Kovur Mandal, Nellore District.
3. Kaveti Vijaya Kumar Reddy, S/o. Dasaradha Rami Reddy, working
as ADE/OSD/Town III/NL APSPDCL, Nellore District.
4. Ch. Srinivasulu Reddy, S/o. Latcha Reddy, Occ: Advocate D.No.11-
1-1182, Santhinagar, Kovur Mandal, Nellore District.

.. Respondents
(defendants 1, 2 & 4)

5. The Project Director, A.P. State Housing Corporation, SPS Nellore
District.

... Respondent
(Garnishee)

! Counsel for the petitioner : Mr. G. Venkateswarlu

^ Counsel for the respondentNo.1 : Mr. K. Maheswar Rao

<GIST:

> HEAD NOTE:

? Cases referred

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.6711 of 2017

ORDER: (per VRS. J)

The petitioner, who was the Judgment Debtor No.3 in a proceeding initiated by a Finance Company, has come up with the above revision, challenging an order of the Executing Court making the attachment of salary absolute, insofar as he is concerned.

2. Heard Mr. G. Venkateswarlu, learned counsel for the petitioner. Mr. K. Maheswar Rao, learned counsel takes notice for the 1st respondent.

3. The grievance of the petitioner is three fold, – (a) that he was set ex parte; (b) that the impugned order of attachment is ordered for a period of 43 months, in violation of the provisions of Section 60 C.P.C; and (c) that the quantum ordered to be attached, is more than 1/3, as prescribed by Section 60.

4. Though it is stated in the impugned order that the attachment is for 43 months, the Court below has issued a warrant of attachment only for 24 months and the warrant also states that the employer should withhold only 1/3 of salary after deducting Rs.1000/- Therefore, the second and third objections are already taken care of by the warrant issued by the Executing Court.

5. Insofar as the first grievance is concerned, the petitioner should file an application to set aside the ex parte order passed on 15.11.2017. He cannot come directly before this Court without defending the application for attachment before the Executing Court.

6. Hence the revision is dismissed. It will be open to the petitioner to take out an application before the Executing Court for setting aside the

ex parte order passed in the Execution proceedings. Upon such application being filed, the Executing Court may set side the ex parte order, give an opportunity to the petitioner to contest the Execution proceedings and then pass appropriate orders in accordance with law.

7. As a sequel, miscellaneous petitions, if any, pending in this revision shall stand closed.

V.RAMASUBRAMANI AN, J

T. AMARNATH GOUD, J

23rd January, 2018
Js



HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD

CIVIL REVISION PETITION No.6711 of 2017

(per VRS, J.)



23rd January, 2018.

Js