

High Court for the State of Telangana

The Hon'ble Sri Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice T.Amarnath Goud

C.R.P. No.607 of 2019

Date: 14-03-2019

Between:

Pilli Kishan

...Petitioner

and

M/s.Shriram City Union Finance Ltd.,
Adilabad Branch, rep. by its Authorised Signatory
And Power of Attorney Holder and 2 others

...Respondents

Counsel for the petitioner: Mr. R. Mangulal

Counsel for the respondents: None present

The Court made the following:

Order: (per Hon'ble Sri Justice T. Amarnath Goud)

This Civil Revision Petition arises out of order dated 11-02-2019 in EP.No.178 of 2018 in Arbitration Case No.524 of 2015 on the file of the Principal District Judge, Adilabad.

The petitioner contends that he has not taken any loan from the respondent No.1, decree holder; that he stood as a guarantor to the loan availed by the principal judgment debtor (respondent No.2), Annelwar Murali Raju; and that his salary alone is sought to be attached for realization of the EP amount without proceeding against the principal judgment debtor (respondent No.2).

In **State Bank of India v. M/s. Indexport Registered and others**¹, this Court held that the decree holder can execute the decree against the guarantor without proceeding against the principal borrower, and that there is nothing in law, which provides that a composite decree should be first executed only against the principal debtor.

In view of the above settled legal principle, we do not find any ground to interfere with the order under revision.

Hence, the Civil Revision Petition is dismissed.

¹ (1992) 3 SCC 159

As a sequel, Miscellaneous Petitions, pending if any,
stand disposed of as infructuous.

(Raghvendra Singh Chauhan, J)

(T.Amarnath Goud, J)

Dt: 14th March, 2019
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