

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.1529 of 2019

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by the petitioner/Judgment Debtor, challenging the order, dated 02.01.2019, passed in E.P.No.1 of 2019 in O.S.No.10 of 2013 by the Principal Senior Civil Judge at Kothagudem, whereby, the Court below directed the Personal Manager, ITC, PSPD, Sarapaka, Burgampad Mandal, Bhadradi Kothagudem District, to withhold/attach a sum of Rs.1,85,698/- from the salary of the revision petitioner/judgment debtor.

2. Heard the learned counsel for both the sides and perused the record.

3. It is contended that the Court below has no inherent jurisdiction to entertain the execution proceedings. The same was upheld by this Court by order, dated 09.12.2016, passed in CRP No.5362 of 2016, in between the same parties, with regard to execution of the decree passed in O.S.No.10 of 2013 on the file of the Court below. In spite of this Court recording a finding that the Principal Senior Civil Judge at Kothagudem has no jurisdiction to entertain the Execution Petition in O.S.No.10 of 2013, another Execution Petition in E.P.No.1 of 2019, which is impugned herein, was filed and *ex parte* order of attachment of salary was sought. It is also relevant to state that the order passed by this Court on 09.12.2016 in CRP No.5362 of 2016 attained finality. Under these circumstances, the impugned order is liable to be set aside.

4. Accordingly, the impugned order, dated 02.01.2019, passed in E.P.No.1 of 2019 in O.S.No.10 of 2013 by the Principal Senior Civil Judge at Kothagudem, is set aside. The Civil Revision Petition is allowed accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

25th October, 2019
Bvv

