

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2213 OF 2019

ORDER:

This revision, under Section 115 of Code of Civil Procedure, 1908, is filed by the petitioners/Judgment debtor Nos.5 and 6 aggrieved by the order dated 09.07.2019 passed in E.P.No.5 of 2014 in O.S.No.375 of 2002 by the XI Additional Senior Civil Judge, City Civil Court, Hyderabad.

2. Heard the learned counsel for the revision petitioners and perused the record.

3. Learned counsel for the revision petitioners would contend that the impugned order dated 09.07.2019 passed by the Court below is erroneous and contrary to law. The respondent No.1/deGREE-holder had incorrectly calculated the amounts and filed execution petition seeking higher amount and ultimately prayed to set aside the impugned order.

4. It is evident from the record that in the subject Execution Petition calculations were made by the decree-holder as per the decree. After receipt of notice, the revision petitioners/J.Drs 5 & 6 filed counter. Though the revision petitioners/J.Drs denied the calculations made by the respondent No.1/D.Hr, they did not choose to file correct calculations. The Court below after considering the evidence placed before it, recorded a finding that the decree-holder received an amount of Rs.1,47,960/- in E.P.No.15 of 2006 and an amount of Rs.1,66,599/- has to be recovered in the subject E.P.No.5 of 2014 from the JDrs,

including the costs and interest and the balance payable is Rs.1,71,207/-. Further, the Court below recorded a specific finding that the amounts paid by the JDrs in E.P.No.15 of 2006 were adjusted.

5. Under these circumstances, it cannot be said that the calculation made by the decree-holder is erroneous and the amount claimed is excessive. The Court below had rightly exercised its jurisdiction and passed the impugned order attaching the salary of the revision petitioners/Judgment debtor Nos.5 and 6 in terms of Section 60 of CPC. No illegality is found in the impugned order to interfere with the same. The revision petition is devoid of merit and is liable to be dismissed.

6. In the result, this Civil Revision Petition is dismissed at the admission stage. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 23.09.2019
ssp