

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2372 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7, challenging the order, dated 16.08.2019, passed in E.P.No.124 of 2018 in Dispute No.314 of 2017, by the III Senior Civil Judge, City Civil Court, Secunderabad, whereby, the Execution Petition filed by the respondent/Decree Holder for issuance of warrant of attachment of salary of the revision petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7, for realisation of the decretal amount, was allowed.

2. Heard the learned counsel for the revision petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7 and perused the record.

3. The learned counsel for the revision petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7 would contend that the revision petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7 are ready to deposit one fourth of the decretal amount and ultimately prayed to set aside the order under challenge.

4. A perusal of the impugned order reveals that the Court below issued warrant of attachment to the drawing officer of the revision petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7 to attach their salary, subject to Section 60 of C.P.C. It has been contended that the order under challenge is an *ex parte* order. As per Order XXI Rule 22 of C.P.C, since the E.P was filed within

two years from the date of the Award, i.e., 14.05.2018, the Court below is justified in passing the impugned *ex parte* order of attachment of salary of the revision petitioners/Judgment Debtor Nos.2, 3, 4, 6 & 7. Further, the Court below was pleased to pass the impugned attachment order, subject to Section 60 of C.P.C. The impugned order passed by the Court below is in consonance with the provisions of Order XXI Rule 22 of C.P.C. There are no merits to vary the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Civil Revision Petition was dismissed. 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

21st October, 2019
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