

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2491 of 2019

ORDER:

This Civil Revision Petition, under Section 115 of the Code of Civil Procedure, 1908, is filed by the petitioner/judgment debtor No.2, challenging the order of attachment, dated 30.07.2019, passed in E.P.No.182 of 2019 in AA/CF/No.549 of 2016, by the Principal Senior Civil Judge, Warangal, whereby, the salary of the revision petitioner/judgment debtor No.2 was ordered to be attached for realisation of the decree debt to an extent of Rs.2,12,539/-.

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

3. The learned counsel for the revision petitioner/judgment debtor No.2 would contend that notice was not served on the revision petitioner/judgment debtor No.2 before the attachment of his salary was ordered. The Court below erred in not following the mandate under Section 71 of the Chit Funds Act, 1982, which prescribes the procedure to recover the money under the Award passed by the Deputy Registrar of Chits and ultimately prayed to set aside the impugned order and allow the Civil Revision Petition as prayed for.

4. On the other hand, the learned counsel for the 1st respondent/decreed holder would contend that the mandate given under Section 71 of the Chit Funds Act, 1982, has been

complied with. Pursuant to the same, the execution proceedings are being carried out by the Court below and ultimately prayed to sustain the impugned order and dismiss the Civil Revision Petition.

5. No material is placed by the revision petitioner/judgment debtor No.2 to demonstrate that the mandate given under Section 71 of the Chit Funds Act, 1982, has not been complied with. There is no merit to consider the said submission. There is a subsisting decree against the revision petitioner/judgment debtor No.2. Therefore, the Court below is justified in passing the impugned attachment order, dated 30.07.2019. There is no perversity in the order under challenge. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is 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

12th December, 2019
Bvv