

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2924 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.3, challenging the order, dated 13.11.2019, passed in E.P.No.42 of 2018, by the I Senior Civil Judge, City Civil Court, Hyderabad, whereby, on a petition filed by the 1st respondent/decreed holder under Order XXI Rule 48 of CPC for attachment of salaries of judgment debtor Nos.2, 3 & 5 for realisation of the decretal amount of Rs.5,82,259/-, the Court below ordered attachment of salary of the revision petitioner/judgment debtor No.3 and judgment debtor No.2.

2. Heard the learned counsel for the revision petitioner/judgment debtor No.3 and perused the record.

3. It has been contended on behalf of the revision petitioner/judgment debtor No.3 that the principal judgment debtor is regularly paying the decretal amount. In the event of failure on the part of the principal judgment debtor in paying the decretal amount only, the liability of the guarantors would come into operation. The revision petitioner/judgment debtor No.3 is only a guarantor. The Court below ought not have attached his salary for realisation of the decretal amount and ultimately prayed to

set aside the order under challenge and allow the Civil Revision Petition as prayed for.

4. A perusal of the Award, dated 11.09.2015, passed in A.B.R./C.F.No.291 of 2014, by the Deputy Registrar of Chits/Arbitrator, Hyderabad, makes it clear that the revision petitioner/judgment debtor No.3, along with the other judgment debtors, was jointly and severally directed to pay the decreetal amount. Since the liability of the revision petitioner/judgment debtor No.3 to pay the decreetal amount is joint and several, the Court below rightly passed the impugned order attaching the salary of the revision petitioner/judgment debtor No.3 to satisfy the decreetal amount. No perversity is found in the impugned order. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. 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

10th December, 2019
Bvv