

HON' BLE SRI JUSTICE M. S. RAMACHANDRA RAO

CIVIL REVISION PETITION Nos. 7810 of 2018 and 177 of 2019

COMMON ORDER:

These two revisions arise out of the same suit between the same parties and therefore they are being disposed of by this common order.

2. The suit O.S.No.259 of 2009 was filed by the first respondent against the nine defendants, including the petitioners in C.R.P.No. 7810 of 2018 and C.R.P.No. 177 of 2019, for recovery of money.

3. The petitioner in C.R.P.No.7810 of 2018 was third defendant in the suit and the petitioner in C.R.P.No.177 of 2019 was fourth defendant in the suit. Both remained *ex-parte*. The other defendants contested and the suit was decreed on 25.06.2012.

4. To execute the suit decree, the first respondent filed E.P.No.87 of 2017 before the Senior Civil Judge, Karimnagar, and prayed for attachment of salary of the petitioners in these revisions who are Judgment Debtor Nos.3 and 4, invoking Order XXI Rule 48 C.P.C. and sought a direction to the Officer, disbursement of salary i.e., Mandal Education Officer, Mancherial Mandal, Adilabad District and Mandal Education Officer, Thagallapalle Rajanna Sricilla District, to attach one

third of the petitioners' salary and credit the same in E.P.No.87 of 2017 in O.S.No.259 of 2009 on its file.

5. The Court below allowed the said E.P. and directed the officials to debit portions of petitioners' salaries and remit it to the respondent.

6. Assailing the same, these revisions are filed.

7. Learned counsel for the petitioners contends that no notice in the Execution Petition has been served on the petitioners. No doubt the said contention appears to be correct, but the fact remains that the decree is passed in June, 2012, in the suit, but it has not been satisfied by the petitioners in both these Revisions for the last 6 ½ years.

8. The decree holder had earlier filed E.P.No.69 of 2016 and also another E.P. i.e., E.P.No.87 of 2017 to recover the E.P. amount of Rs.2,14,526/-.

9. To a query from the Court as to whether petitioners would pay the same, the counsel for the petitioners contended that petitioners have no means to do so. Therefore, it appears that except raising the technical plea of non service of notice on the petitioners, there is no substantive defence. Admittedly the petitioners have not challenged the decree dated 25.06.2012 in O.S.No.259 of 2009 and so the decree holder cannot be made to suffer, when the petitioners are not willing to satisfy the decree.

10. In that view of the matter, I am of the opinion that this is not a fit case to interfere with the orders passed by the Court below.

11. Accordingly, the Civil Revision Petitions are dismissed at the admission stage. There shall be no order as to costs.

12. As a sequel thereto, Miscellaneous Petitions pending if any in these Civil Revision Petitions, shall stand closed.

08.02.2019
vnb

M.S. RAMACHANDRA RAO

