

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.205 OF 2020

DATED : 13.02.2020

Between :

Smt Chirra Vanamala W/o.late Mallaiah,
Age : 59 yrs, Occu : Retired Employee,
R/o.H.No.4-8-132, Kumarpally,
Hanamkonda, Warangal 506 001

..... Petitioner

And

Manasani Krishna Reddy S/o.Venkateshwar Reddy,
Age : 43 yrs, Occu : Journalist,
R/o.Alagunoor Village, Thimmapur Mandal,
Karimnagar District & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.205 OF 2020

ORDER :

This revision is filed by the Petitioner/Judgment Debtor challenging the order passed in E.A.No.202 of 2018 in E.P.No.310 of 2018, by the II Additional Senior Civil Judge, Warangal, directing the Executive Engineer, K.C.Camp, Hanamkonda, Warangal, to with hold an amount of Rs.4,27,298/- and not to release the retirement benefits of the petitioner, till realization of the decretal amount.

2. Heard learned counsel for the petitioner and none appeared for the respondent No.1/Plaintiff/Decree Holder.

3. The facts on record would disclose that plaintiff filed suit in O.S.No.298 of 2015 for recovery of money against the defendants, on 15.06.2017. The suit was decreed. Alleging that the decree is not complied, the Decree Holder filed E.P.No.310 of 2018 seeking attachment of salary of the Judgment Debtors. In the said E.P., the Decree Holder filed E.A.No.202 of 2018 seeking attachment of retirement benefits of the Petitioner/Judgment Debtor, alleging that the decretal amount is not deposited and even though, the trial Court passed order attaching the salary but the amount is not deposited in the Court. It was also contended that the petitioner/Judgment Debtor was retiring from service on 30.11.2018, trying to receive the retirement benefits and also trying to leave the jurisdiction of the Court. It was contended that if the Judgment Debtor receives the retirement benefits and leaves the jurisdiction of the Court, grave prejudice would be caused to the Decree Holder. The trial Court passed order on 05.11.2018

directing the Executive Engineer, H & I Division, K.C.Camp, Hanamkonda, Warangal to with hold an amount of Rs.4,27,298/- which was already attached by way of attachment of salary and not to release the retirement benefits to the Judgment Debtor Smt. Chirra Vanamala, till realization of the decretal amount.

4. According to learned counsel for the petitioner, petitioner was entitled to more than Rs.11,00,000/- towards retirement benefits, but on the ground that the trial Court passed orders on 05.11.2018, not a single rupee is released.

5. Even according to submissions of learned counsel for the petitioner, petitioner is entitled to receive the amount other than the amount mentioned in the order of the trial Court. If the Executive Engineer or any other authority is not releasing the remaining amount due and payable to the petitioner, she has to work out her grievance independently. I do not see any error in the decision arrived at by the trial Court warranting interference in this Revision.

6. Thus, leaving it open to the petitioner to work out her remedies, on the alleged illegal action of the authorities, in not releasing the balance amount due and payable to the petitioner, this Revision is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

13th February, 2020
Rds