

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CIVIL REVISION PETITION No.2774 of 2022

ORDER:

Heard Sri G. Arun Kumar, learned counsel for the revision petitioner as well as Sri N. Arvind, counsel representing Sri. N. Srikanth Goud, learned counsel on record for respondent No.1.

2. Challenging this Revision Petition is the order of attachment of salary of the petitioner herein that is rendered by the Family Court - cum – Court of Additional District Judge, Karimnagar in E.P.No.54 of 2019 in Arbitration Case No.1487 of 2016 dated 20.08.2022 .

3. Making his submission, learned counsel for the petitioner contends that the petitioner is the judgment-debtor No.2 in the Execution Petition and though the principal-debtor is respondent No.2 herein and though respondent Nos.3 and 4 are also liable, attachment of salary of the petitioner was ordered to be affected which is against the mandate of law. Therefore, the order of attachment of salary has to be set aside.

4. On the other hand, the submission of the learned counsel for the respondent No.1 is that the liability of the judgment-debtors is joint and several.

5. The Execution Petition is filed basing on the Award passed by the Sole-Arbitrator, Karimnagar in Arbitrator Case No.1487 of 2016.

6. In the Award it is clearly indicated that the claimant is entitled to recover the amount of Rs.4,96,530/- from respondent Nos.1 to 4 therein jointly and severally. The petitioner herein is respondent No.2 in the said Arbitration Case. Therefore, the liability of the petitioner is both joint and several. Such being the case, the decree-holder is entitled to proceed against all or any of the judgment-debtors.

7. Therefore, this Court is of the view that the Court concerned did not err in issuing the order of attachment of salary of the petitioner herein. Hence, Civil Revision Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any,
shall stand closed

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 08.12.2022

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