

IN THE COURT OF THE SENIOR CIVIL JUDGE :: RAYACHOTY.

PRESENT: **Smt. M.Sudha**, Senior Civil Judge, Rayachoty.

Wednesday, this the 27th day of November, 2019

E.P.No.01 / 2019 in O.S. No.54 / 2017

Between:

Maramreddy Venkata Ramana Reddy.

....Petitioner/D.Hr

And

Male Siva Rani.

.....Respondent/J.Dr

This execution petition is coming on this day, in the presence of Sri B.Ramgopal Reddy, Advocate for Petitioner/D.Hr, and the Respondent / J.Dr remained exparte and having stood over for consideration till this day, this Court delivered the following:

ORDER

This execution petition filed under Order 21, Rule 48 of CPC by the petitioner to call for the salary particulars of the respondent / J.Dr and to attach the salary of the respondent / J.Dr as per Sec. 60 of CPC and to direct the garnishee to remit the same before this Court to enable him to realize the decree debt from the respondent/ J.Dr.

2. The brief averments of the petition are that on 19.1.2018 the petitioner/D.Hr obtained a decree from this Hon'ble Court against the respondent/J.Dr in the above suit and after the said decree, the petitioner made several oral demands on the respondent / J.Dr for payment of decretal amount, but the respondent did not pay the same. The respondent is working as a clerk in agricultural department at Badvel, YSR District and getting salary more than Rs.50,000/- per month and she also having house site in Rayachoty town. Thus, the respondent / J.Dr has got sufficient means to pay the decretal amount with interest, but she

intentionally neglecting the same. Hence, the execution petition may be allowed.

3. Inspite of receiving of summons by the respondent/J.Dr, she failed to appear before the Court. Hence, the respondent / J.Dr remained exparte.

4. The petitioner/D.Hr himself got examined as PW1 and no documents are marked.

5. Heard petitioner side and perused the record.

6. Now the point for consideration is:- Whether the salary of the respondent/J.Dr can be attached to realize the decree debt as prayed for ?

P O I N T:-

7. On perusal of entire record, the petitioner / D.Hr obtained decree for an amount of Rs.4,74,184/- on 19.1.2018 against the respondent / J.Dr. The petitioner submits that the respondent / J.Dr is working as a clerk in Agricultural Department at Badvel and getting salary more than Rs.50,000/- per month and she is also having house site in Rayachoty town and that the respondent is having sufficient means to pay the decretal amount with future interest, but she intentionally evading to pay the decretal debt. The respondent / J.Dr did not file counter and she remained exparte. The conduct of the respondent/ J.Dr coupled with the unchallenged evidence of PW.1 goes to show that the respondent/J.Dr is getting sufficient income, but she intentionally not discharging the decree debt. As such, the salary of the respondent / J.Dr can be attached subject to as per the provisions under Sec. 60 of CPC. Hence, the point is answered in favour of the petitioner / D.Hr.

7. In the result, the execution petition is allowed. Call for salary particulars of the respondent / J.Dr on payment of process.

Typed to my dictation, corrected and pronounced by me in the
Open Court, on this the 27th day of November, 2019.

Sd/- M.Sudha.

**Senior Civil Judge,
Rayachoty.**

//APPENDIX OF EVIDENCE//

WITNESSES EXAMINED

For Petitioner/D.Hr:

P.W.1. Maramreddy Venkata Ramana Reddy.

For Respondent/J.Dr:

Exparte.

DOCUMENTS MARKED ON BEHALF OF Petitioner/D.Hr

- Nil -

Id/- M.S.

S.C.J., Rcty.