

HON'BLE SRI JUSTICE K.SURENDER

CIVIL REVISION PETITION Nos.2690 and 2575 OF 2022

COMMON ORDER:

1. The petitioners in the Civil Revision Petitions are judgment debtors 3 and 4 questioning the salary attachment order passed by the Principal District Judge at Suryapet dated 04.01.2022.

2. The 1st respondent/Decree Holder/claimant filed EP No.28 of 2021 in Arbitration No.554 of 2013 against these two respondents and two others. In the said E.P, the Award amount was Rs.7,51,874/-, which was passed on 29.01.2014. The amount ordered was with interest at 10% per annum for the period covered by pendency of claim proceedings from 30.07.2012 till the date of the order i.e., 29.01.2014 and until full realization. Accordingly, calculations were made in tabulated form and the 1st respondent/decree holder filed E.P for the claim of Rs.17,86,065/-.

3. Learned Judge has ordered the attachment of salary to an extent of Rs.17,86,065/- against both the petitioners/judgment debtors 3 and 4.

4. The judgment debtors in the suit would be jointly and severally liable. The decree holder can proceed against any of the judgment debtors. However in the event of proceeding against 2 or more judgment debtors, the amount outstanding shall be proportionately divided amongst the said judgment debtors.

5. In the present case, the entire claim amount of Rs.17,86,065/- was ordered to be recovered from both the petitioners, who are judgment debtors 3 and 4, which is patently illegal. Collectively, the attached amount would be $\text{Rs.17,86,065/-} \times 2 = \text{Rs.35,72,130/-}$.

6. For the aforesaid reasons, the attachment order dated 04.01.2022 passed by the Principal District Judge, Suryapet is incorrect and accordingly set aside.

7. In the result, the Civil Revision Petitions are allowed and the case is remanded to the learned District Judge,

Suryapet to proportionately order attachment against the judgment debtors vis-à-vis the claim amount.

Miscellaneous applications if any, pending, shall stand closed.

Date: 13.12.2022
kvs

K.SURENDER, J

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