

IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE :: BHIMAVARAM

PRESENT:- Sri Pavan Kumar Aka
Principal Junior Civil Judge, Bhimavaram.

Thursday, this the 10th day of August, 2023

E.P. NO.32/2022 in O.S.NO.568/2007

Between

1. **Korrakuti Venkateswararao** (died)
2. **Korrakuti Surya Kumari**, W/o. late Venkateswararao,
Hindu, Aged 52 years, D.No.6-1-48, Srinivasa Centre,
Bhimavaram.
3. **Kakarla Visalakshi**, W/o. Trimurthulu, Hindu,
Aged 35 years, D.No. 20-126, Behind Police quarters,
Attili, Attili Mandal.
4. **Thota Meenakshi**, W/o. Venkata Vara Prasad, Hindu,
Aged 31 years, D.No. 2-98, China amiram,
Bhimavaram.
5. **Kappiseti Subbhashini**, W/o. Ajay Kumar, Hindu,
Aged 23 years, D.No. 5-11-6, Mente Vari Thota,
Bhimavaram.

... Petitioners/Decree Holders

And

Rayavarapu Mavullu, S/o. Satyanarayana,
Hindu, Aged 30 years, Municipal employee,
Municipal Office, Bhimavaram.

... Respondent/Judgment Debtor

This E.P. came before me for final hearing on 02.08.2023 in the presence of Sri G.V.V.Nageswara Rao, Advocate, learned counsel for Decree Holders, and Sri Y.V.N.R and Sri D. Willingston, Counsels for Judgment debtor, and having heard and considered the material placed on record, this Court made the following :

:: **ORDER** ::

This Execution Petition is filed by the decree holder U/o.XXI Rules 48 of Code of Civil Procedure, 1908 seeking for attachment of salary of the Respondent/J.Dr., due under decree dt.30.08.2022 in AS No.28/2009 in O.S.No.568/2007.

2. The Judgment debtor entered his appearance and filed counter. The brief facts of the counter are that the petitioner/D.Hr., never demanded for payment of decretal amount and though he is working as Public Health Worker in Bhimavaram Municipality, he is having wife and children and as such he is

not in a position to discharge the above decretal amount at once.

3. Heard both sides. Perused the record.

4. As can be seen from the record, as per the decree the Judgment debtor was working in Bhimavaram Municipality and the finding of the Appellate Court is not subjected to challenge and thereby the decree passed by the Appellate Court became final. It is also not the contention of the respondent/J.Dr., that he has no due to be discharged and it is his specific plea that he being the employee and having wife and children, cannot discharge the decree amount at once. The Garnishee though received the orders of attachment, sent the salary particulars only. Under these circumstances, this Court is of the considered opinion that there are no grounds to reject the plea of petitioner/D.Hr.

5. In the result, even after considering the contentions of the respondent/J.Dr., as debt is not denied and expressed in ability to discharge the decretal debt at once, issue show-cause notice to Garnishee of Judgment debtor through Court and R.P.A.D. to send for the attached salary. Call on 11.09.2023.

Typed directly on my laptop, corrected and pronounced by me in open Court on this the **10th day of August, 2023**.

Sd/- Pavan Kumar Aka
**PRINCIPAL JUNIOR CIVIL JUDGE,
BHIMAVARAM**

APPENDIX OF EVIDENCE

No oral and documentary evidence is adduced on either side.

Sd/- Pavan Kumar Aka
P.J.C.J., BVRM