

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE SIXTEENTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

IA No. 1 OF 2023

IN

CRP NO: 1971 OF 2023



Between:

Smt. Kolli Santha Kumari, W/o Killi Francies, aged 58 years, R/o Door No.10-53-132/1,
Ews Quarters, Nehrunagar, Visakhapatnam-530002.

...Petitioner

(Petitioner in CRP 1971 OF 2023
on the file of High Court)

AND

Smt. Ommi Kumari, W/o late Appalaraju, aged about 48 years, R/o Door No.6-41/1/2,
NGGOS drivers Colony, Kommadhi, Visakhapatnam-48.

...Respondent

(Respondents in-do-)

Counsel for the Petitioner :

SRI PALLA BALU ANIL KUMAR

Counsel for the Respondent :

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the civil revision petition, the High Court may be pleased to stay all the further proceedings including raising of attachment procedure in pursuance of Order dated 17.07.2023, passed in E.P. 108 of 2022 and consequential dismissal of E.P.No.3 of 2022 wide docket order dated 18.07.2023 in O.S.No.381/2021 on the file of the III Additional Junior Civil Judge, Visakhapatnam, pending disposal of CRP No.1971 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard learned counsel for petitioner.

Relying upon the decision in 2004 (4) ALD 294, learned counsel would submit that the amount lying in bank account of the petitioner loses its character as pension and therefore, the Execution Court was wrong in raising the attachment against the pension account of the JDR.

The point of argument raised by the petitioner needs a detailed hearing when the respondent puts up her appearance.

There shall be stay of operation of the order dated 17.07.2023 in E.A.No.108 of 2022 on the file of III Additional Junior Civil Judge, Visakhapatnam until further orders, with the observation that this order will not hold good if the respondent has already withdrawn the amount from her bank account.

//TRUE COPY//

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. The III Additional Junior Civil Judge, Visakhapatnam.
2. Smt. Ommi Kumari, W/o late Appalaraju, R/o Door No.6-41/1/2, NGGOS drivers Colony, Kommadhi, Visakhapatnam-48 (By RPAD)
3. One CC to Sri. Palla Balu Anil Kumar, Advocate [OPUC]
4. One spare copy

MM

HIGH COURT

UDPRJ

DATED:16/08/2023

NOTE: POST ON 30.08.2023

ORDER

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INTERIM STAY

