



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

FRIDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

**PRESENT
THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

CIVIL REVISION PETITION NO: 1953/2025

Between:

Chilaka Durga and others

...PETITIONER(S)

AND

Kadhikonda Durga Prasad Rao and others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. SAI GANGADHAR CHAMARTY

Counsel for the Respondent(S):

1.

The Court made the following:

Notice to respondents.

Learned counsel for the petitioners is permitted to take out personal notice on respondents by registered post with acknowledgment due and file proof of service in the Registry within two (2) months.

Post on 23.03.2026.

I.A.No.1 of 2025:

Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioners.

Learned counsel for the petitioners, in elaboration to what has been stated in the affidavit, contends that the petitioners herein are the Judgment Debtors, respondent No.1 is the decree holder and respondent No.2 is the garnishee. Respondent No.1 herein/ decree holder filed Execution Petition

No.31 of 2024 in O.S.No.192 of 2016 under Order XXI Rule 48 CPC praying the Court for attachment of salary of Judgment Debtors for realization of the amount and the same has been opposed by the petitioners herein, who are Judgments Debtors, by filing counter contending that the Judgment debtors are public health workers *i.e.*, attending the labour work under Andhra Pradesh Corporation for Outsources Services (APCOS) and they are paid wage as per daily wages and hence, their salary is not liable for attachment as being exempted under Section 60 (1) (h) CPC. When a categorical stand taken by the petitioners that they are wagers and they are protected by Section 60(1)(h) of CPC, the Executing Court, without considering the same, allowed the Execution Petition directing to issue attachment warrant against the salary of the petitioners herein.

Perused the material available on record. In the counter filed before the Executing Court in para Nos.7 and 8, the petitioners have categorically stated that the wages of the Judgment Debtors are come within the four corners of Section 60 (1) (h) of CPC. Section 60 (1) (h) CPC clearly envisages that the wage holders salary cannot be attached. It is not in dispute that the petitioners are working on outsourcing basis.

The submissions made by the learned counsel for petitioners and the grounds raised in this Revision Petition *prima facie* makes out a point for consideration to be decided in this Revision Petition. Hence, this Court is inclined to grant the following interim direction:

There shall be stay of all further proceedings pursuant to the order dated 23.06.2025 passed in E.P.No.31 of 2024 in O.S.No.192 of 2016 on the file of the Court of Principal Civil Judge (Senior Division), Machilipatnam, Krishna District a period of four (4) weeks.

JUSTICE RAVI CHEEMALAPATI

Date: 06.03.2026

MP

