

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

FRIDAY, THE SIXTH DAY OF MARCH,

TWO THOUSAND AND TWENTY SIX

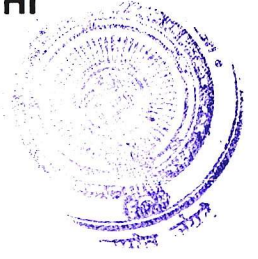
:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2025

IN

CRP NO: 1953 OF 2025



Between:

1. Chilaka Durga, W/o.Raja, aged about 35 years, R/o.D.No.9/430, Balaramunipet, Machilipatnam, Krishna District.
2. Chilaka Raja, S/o.Ruben, aged about 40 years, R/o.D.No.9/430, Balaramunipet, Machilipatnam, Krishna District.

...Petitioners/Respondents/J.Drs

(Petitioner in CRP 1953 OF 2025

on the file of High Court)

AND

1. Kadhikonda Durga Prasad Rao, S/o.Venkata Raju, aged about 40 years, R/o.D.No.28/160, Circlepet, Machilipatnam, Krishna District.

...Respondent/Petitioner/D.Hr.

2. Machilipatnam Municipal Corporation, F-1 Department, Yaramalsetty Lakshmi Krishna District.

...Respondent/Garnishee

(Respondents in-do-)

Counsel for the Petitioners : SRI SAI GANGADHAR CHAMARTY

Counsel for the Respondents : ---

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 grant stay of all further proceedings including attachment pursuant to the Order dt: 23-06-2025 in E.P.No.31 of 2024 in O.S.No.192 of 2016 on the file of the Court of the Prl. Civil Judge

(Senior Division) at Machilipatnam, Krishna District, pending disposal of CRP No.1953 of 2025, 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 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 for a period of four (4) weeks.

Sd/- N.Nagamma
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Prl. Civil Judge (Senior Division) at Machilipatnam, Krishna District.
2. Kadhikonda Durga Prasad Rao, S/o.Venkata Raju, R/o.D.No.28/160, Circlepet, Machilipatnam, Krishna District.
3. The Machilipatnam Municipal Corporation, F-1 Department, Yaramalsetty Lakshmi Krishna District. (Addressee Nos.2 & 3 by RPAD- along with a copy of petition and memorandum of grounds)
4. One CC to Sri. Sai Gangadhar Chamarty, Advocate [OPUC]
5. One spare copy

HIGH COURT

RC,J

DATED:06/03/2026

POST ON 23.03.2026

ORDER

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IN

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STAY