

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 1 OF 2023

IN

CRP NO: 2791 OF 2023



Between:

MANTRALA SREERAMULU, S/o Pedda Ganganna, aged about 60 years, R/o D.No. 7/4283-1, 18th Ward, Vasanthapet, Proddatur Town and Mandal, Kadapa District, Andhra Pradesh

Petitioner/J.Dr/defendant

AND

1. Bingumalla Ashok Kumar, S/o. Aswarthmaiah, Aged about 51 years, R/o. D.No. 27/145, Vasanthapet Street, Proddatur Town and Mandal, Kadapa District, Andhra Pradesh.

Respondent/D.Hr/Plaintiff

2. The Commissioner, Municipal Office, Proddatur-516360, Kadapa District

Garnishee

Counsel for the Petitioner :SRINIVASA RAO BODDULURI

Counsel for the Respondents : ---

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated. 22.08.2023 in E.P.No. 123 of 2022 in O.S.No. 585 of 2019 of the Court of the Principal Junior Civil Judge, Proddatur, pending disposal of CRP No. 2791 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

"This petition is filed to grant suspension of the order dated 22.08.2023 in E.P.No.123 of 2022 in O.S.No.585 of 2019 on the file of the Court of Principal Junior Civil Judge, Proddatur.

The learned counsel for the petitioner/JDr submitted that the salary of the petitioner, even as per the execution Court is Rs.1,01,487/- and out of the same as per the award dated 13.05.2023 passed in O.S.No.91 of 2023 on the file the court of Principal Junior Civil Judge, Proddatur, Rs.34,500/- per month was

being deducted and the said amount is equal to 1/3rd of the salary as per Section 60(1)(c) CPC and thereby no part of the salary is now available for attachment. He further submitted that inspite of taking such ground in the counter and evidence was placed, the execution Court again ordered attachment of salary to an extent of Rs.20,000/- per month for a period of 21 months and Rs.14,059/- in the 22nd month as per the impugned order dated 22.08.2023 in E.P.No.123 of 2022 in O.S.No.585 of 2019 of the same Court. He further submitted that the execution Court has wrongly recorded the net salary of JDr as Rs.2,36,936/- from the document filed before it, whereas the said amount represents the total amount payable to three Teachers and not the JDr alone.

In view of the above said submissions made based on record, interim suspension of the impugned order dated 22.08.2023 in E.P.No.123 of 2022 in O.S.No.585 of 2019 on the file of the Court of Principal Junior Civil Judge, Proddutur, as prayed for, is granted, till 29.02.2024."

Sd/- N. NAGAMMA

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Junior Civil Judge, Proddutur.
2. Bingumalla Ashok Kumar, S/o. Aswarthmaiah, Aged about 51 years, R/o. D.No. 27/145, Vasanthapet Street, Proddatur Town and Mandal, Kadapa District, Andhra Pradesh.
3. The Commissioner, Municipal Office, Proddatur-516360, Kadapa District
(Adressess 1 to 2 by SPEED POST)
4. One CC to SRI. SRINIVASA RAO BODDULURI Advocate [OPUC]
5. One Spare Copy.

psk

HIGH COURT

BSB,J

DATED:14/02/2024

POST ON 29.02.2024

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IN
CRP NO: 2791 OF 2023

INTERIM SUSPENSION

