

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWELFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

: PRESENT:

THE HON'BLE SRI JUSTICE E.V. VENUGOPAL

CIVIL REVISION PETITION NO: 55 OF 2024

Between:

Syed Sarvar, S/o Hussian

Petitioner/J.Dr/Defendant

AND

1. K. Kumarswamy, S/o Komaraiah, Occ.Rtd Emoloyee R/o.H.NO.7-2-41 Babu Camp,
Kothagudeam Town, Bhadradi Kothgudeam District.

Respondents.D.hr/Plaintiff

2. The General Manger, SCCL, Kothgudeam, Rudrampur area, Bhadradi Kothgudeam
District

Garnishee

Petition under Section 115 of C.P.C, praying that in the circumstances stated in the grounds filed herein, presented this petition to revise the salary attachment warrant issued in E.P. No. 28 of 2023 in O.S. No. 175 of 2012 dated 28.11.2023 on the file of the Principal Senior Civil Judge at Kothagudem, Bhadradi Kothagudem District

IA NO: 1 OF 2024

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 grant stay of all further proceedings in E.P.No.28 of 2023 in O.S.No.175 of 2012 on the file of the Principal Senior Civil Judge at Kothagudem, Badrdri Kothgudeam, including the attachment of the salary of the petitioner, pending disposal of CRP 55 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Karunakar Reddy Advocate for the Petitioner and Sri Erigi Ganesh Advocate for the Respondent No. 1. the Court made the following.

ORDER:

This CRP is filed seeking to set aside the salary attachment warrant dated 28.11.2023 issued in E.P.No.28 of 2023 in O.S.No.175 of 2012 by the Principal Senior Civil Judge at Kothagudem, Bhadradi Kothagudem District.

Learned counsel while drawing the attention of this Court would submit that decree has been passed against the petitioner herein in O.S.No.175 of 2012 on the petition initiated by the respondent herein and the respondent is arrayed as plaintiff in O.S.No.175 of 2012.

The petitioner herein arrayed as defendant and it is an admitted fact that the occupation of the petitioner is General Mazdoor. Therefore, the benefit of Section 60(h) of Code of Civil Procedure (the wages of labourers and domestic servants whether payable in money or in kind are not attachable) shall apply to the petitioner. Hence, seeks to set-aside the order and also submits that attachment order shall not apply to labourer or the domestic servants and since the petitioner is a General Mazdoor as admitted by the judgment-debtor in the said order in EP. Hence seeks to allow the Civil Revision Petition.

Opposing the same, Mr.Ganesh, learned counsel representing on behalf of respondent would submit that it is an admitted fact that the petitioner does not entitle to seek the benefit under Section 60(h) of Code of Civil Procedure as it is rightly observed by the Learned Principal Senior Civil Judge, Kothagudem in his order dated 28.11.2023 in E.P.No.28 of 2023 that the petitioner is working as Excavation Plant Operator. This needs detailed examination.

List on 02.02.2024 till such time there shall be interim stay on the operation of order dated 28.11.2023 in E.P.No.28 of 2023 in

**O.S.No.175 of 2012 passed by learned Principal Senior Civil Judge,
Kothagudem.**

**Sd/- L.SHIVA PARVATHI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Senior Civil Judge at Kothagudem, Bhadradi Kothagudem District
2. K. Kumarswamy, S/o Komaraiah, Occ.Rtd Emoloyee R/o.H.N0.7-2-41 Babu Camp,
Kothagudeam Town, Bhadradi Kothgudeam District:
3. The General Manger, SCCL, Kothgudeam, Rudrampur area, Bhadradi Kothgudeam
District
(Addressees 2 & 3 by RPAD)
4. One CC to Sri Karunakar Reddy Advocate [OPUC]
5. One spare copy

HIGH COURT

EVVJ

DATED:12/01/2024

NOTE: LIST ON 02.02.2024

ORDER

CRP.No.55 of 2024

INTERIM STAY

