



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2015

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

C.R.P.NPD(MD)No.1796 of 2015

and

M.P. (MD)No.1 of 2015

Gajalakshmi

... Petitioner

Vs.

G.Baskar

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of C.P.C., against the fair order dated 24.07.2015 in E.P.No.196 of 2015 on the file of the I Additional District Judge PCR, Tiruchirappalli in O.S.No.2 of 2013 on the file of the Principal District Court, Pudukkottai.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.S.K.Mani

ORDER

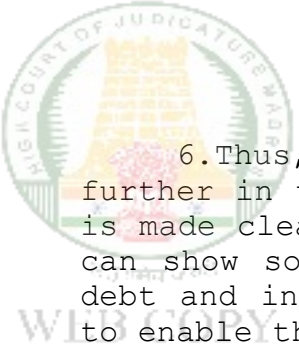
This is a JD's case. So also the decree holder. This is the scope of this revision.

2.The revision petitioner / judgment debtor suffered decree in O.S.No.2 of 2013 in the court of Principal District Court, Pudukkottai. The decree was transmitted to the First Additional District Judge, Tiruchirappalli for execution. In E.P.No.196 of 2015, the decree holder proceeded to attach and sell the movables, which are machineries of considerable value. The amount due is Rs.12,75,873/-. The Execution Court attached the movables.

3. At this juncture, the judgment debtor directed this revision. His submission is that he has filed a petition to set aside the ex parte decree in the original court.

4.However, the decree holder / respondent would submit that the judgment debtor has no intention to pay the amount and he intended to delay and defraud the money of the creditors and there are cheque bouncing cases are also pending as against him. He would also submit that there are credible information that even the available movables are sought to be disposed of by him to some third parties.

5.Considering the above aspects, we are not inclined to interfere with the impugned order of attachment passed by the Execution Court.



6. Thus, this revision is dismissed. The decree holder can proceed further in the execution proceedings in accordance with law. However, it is made clear that if any substantial amount is paid, the Execution Court can show some indulgence by deducting the payment as against the decree debt and in that even halt the sale in order to pay the balance, if any to enable the judgment debtor to pay the amount towards the decree debt.

sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Court, Pudukkottai.
2. The I Additional District Judge PCR, Tiruchirappalli.

+1cc to M/s.P.Ganapathi Subramanian, Advocate SR.No.60696

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C.R.P. (MD) No.1796 of 2015