

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD) No.374 of 2014

Viswanatha Padayachi

... Petitioner

Vs.

Venkatasamy Reddiyar

... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order made in E.P.No.82 of 2012 in O.S.No.334 of 2008 dated 12.09.2013 on the file of the Principal Additional District Munsif, Virudhachalam.

For Petitioner	: Mr.S.I.Muthiah for Mr.K.A.Vimal Kumar
For Respondent	: Mr.V.Anand

ORDER

Challenging the order passed in E.P.No.82 of 2012 in O.S.No.334 of 2008 on the file of the Principal Additional District Munsif, Virudhachalam, the Judgment Debtor has filed the above Civil Revision Petition.

2.The respondent/plaintiff filed the suit in O.S.No.334 of 2008 for recovery of money.

3.The suit was decreed on 28.10.2008. Pursuant to which the respondent filed an Execution Petition in E.P.No.82 of 2012 to realise the money. The revision petitioner filed his counter in the Execution Petition and the Executing Court, by order dated 12.09.2013 ordered attachment of 17 items of properties. The Execution Petition was filed in the year 2012 for realising a sum of Rs.95,843/- as on 05.03.2012. Challenging this order, the Judgment Debtor has filed the above Civil Revision Petition.

4.The learned counsel appearing for the petitioner submitted that since the amount mentioned in the Execution Petition is very meagre, it would be suffice to order attachment of the first two items of the properties.

5.Since there is no necessity for attaching 17 items of the properties for realising a meagre amount, I am of the view that the attachment can be ordered only in respect of the first two items of the properties mentioned in the Execution Petition as stated by the learned counsel for the petitioner/ Judgement Debtor.

6. Accordingly, the order passed in E.P.No.82 of 2012 by the Principal Additional District Munsif, Virudhachalam is modified to the effect that the first two items of the properties mentioned in the Execution Petition shall remain in attachment. In respect of the properties mentioned as Item Nos.3 to 17 are concerned, the order of attachment dated 12.09.2013 stands raised. In the event of the value of the first two items of the properties fetching a lesser amount than what is entitled to the Decree Holder, the Decree Holder is at liberty to execute the decree in respect of some other property.

7. With these modifications, the Civil Revision Petition is disposed of.

No costs.

Index : No
Internet : Yes
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22.11.2016

To

The Principal Additional District Munsif,
Virudhachalam.

M.DURAIWAMY,J.

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