

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2038 of 2013
and
M.P.No.1 of 2013

V. Dhanagopal

.... Petitioner

vs

M/s Krishna Santosh Ginning Industries,
Sarangapur, H.Qt., at Nirmal,
rep by its Partner Mr.Padigela Kedarinath
S/o. Padigela Rajeshwar,
Viveknagar, Nirmal,
Adilabad District,
Andhrapradesh

.... Respondent

Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decretal order dated 03.04.2013 made in EP No.7 of 2013 on the file of District Court, Tirupur in O.S.No.7 of 1999 by the District Court at Adilabad.

For Petitioner : Mr.J. Franklin

For respondent : Mr.J. Antony Jesus

ORDER

Challenging the order passed in EP No.7 of 2013 dated 03.04.2013 in O.S.No.7 of 1999 on the file of District Court, Tiruppur, the judgment debtor has filed the above Civil Revision Petition.

2. Pursuant to the decree passed in O.S.No.7 of 1999, the respondent/decreed holder filed an execution petition in E.P.No.7 of 2013.

3. The learned counsel appearing for the petitioner submitted that the execution court ordered notice to the judgment debtor on 14.02.2013 and the counsel entered appearance on behalf of the judgment debtor on 12.03.2013. The learned counsel further submitted that on 03.04.2013, when the execution petition came up for hearing, the execution court ordered attachment, since the judgment debtor has not made any payment. The learned counsel further submitted that the petitioner/judgment debtor may be permitted to file his counter and contest the application.

4. It is also brought to the notice of this court that the judgment debtor has not filed his counter till this date. Since the

judgment debtor was not set exparte, it is open to the judgment debtor to file his counter before the execution court. Since the matter is pending for a long time, the petitioner/judgment debtor is directed to file his counter within one week from the date of receipt of a copy of this order and the District Court, Tiruppur is directed to pass orders in the Execution Petition in E.P.No.7 of 2013 within a period of two weeks from the date of filing of the counter by the judgment debtor. With these observations, the civil revision petition is disposed of. No costs. Consequently, connected MP is closed.

08-06-2016

sr

Index:no
website:yes

To

The District Court, Tiruppur

M. DURAISWAMY,J.,

sr

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