

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.3823 of 2011
& M.P.No.1 of 2011

K.Kuppachari .. Petitioner

Vs.

A.Sulochana .. Respondent

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., against the dismissal order dated 27.07.2011 made in E.A.No.25 of 2011 in E.P.No.57 of 2009 in O.S.No.22 of 2005 on the file of the learned Subordinate Judge, Ranipet, Vellore District.

For Petitioner : Mr.A.Rajeshkanna

For Respondent : Mr.P.Mari

ORDER

This Civil Revision Petition has been filed against the dismissal order dated 27.07.2011 made in E.A.No.25 of 2011 in E.P.No.57 of 2009 in O.S.No.22 of 2005 on the file of the learned Subordinate Judge, Ranipet, Vellore District.

2. The petitioner, who is the judgment-debtor, is challenging the order dated 27.11.2011, dismissing E.A.25 of 2011 in E.P.No.57 of 2009. The respondent, who is the decree-holder, filed E.P.No.57 of 2009 for recovery of the amount, as per the decree dated 03.12.2008 by attachment and sale of the properties mentioned therein. The petitioner was directed to pay a sum of Rs.25,000/-. On 02.12.2009, he did not comply with the said order. The order of said attachment made on 07.04.2010 was set aside, on 09.08.2010. The respondent filed E.A.No.25 of 2011 for raising the order of attachment.

3. The learned Judge, considering the fact that the petitioner has to pay a sum of Rs.1,80,587/- and he has paid meagre amount, dismissed the application.

4. Against the said order dated 27.07.2011, the present civil revision petition is filed by the petitioner.

5. Heard the counsel appearing for both sides and perused the materials available on record.

6. From the materials available on record, it is seen that the petitioner has not paid any amount, as ordered in the Execution Proceedings, on 07.04.2010, and an order of attachment was made and subsequently, the said order was set-aside on 09.08.2010. According to the respondent / decree holder the petitioner settled the property in favour of her son and her son has filed the claim petition. Considering these facts, I hold that there is no irregularity in the order passed by the Court below and nothing survives for adjudication in this civil revision petition.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.08.2017

Index : Yes/No

dm/gsa

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V.M.VELUMANI, J.

dm/gsa

To

The Subordinate Judge, Ranipet,
Vellore District.



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