

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD)No.1313 of 2018

P.S.Viswanathan

.. Petitioner

Vs.

S.Tamilselvi

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India praying to direct the learned X Assistant Judge, City Civil Court, Chennai to dispose the execution petition in E.P.No.4070 of 2013 in O.S.No.144 of 2007 as expeditiously as possible.

For Petitioner : Mr.NA.Malaisaravanan

ORDER

This Civil Revision Petition has been filed to direct learned X Assistant Judge, City Civil Court, Chennai to dispose the execution petition in E.P.No.4070 of 2013 in O.S.No.144 of 2007.

2. The plaintiff in O.S.No.144 of 2007 on the file of the learned X Assistant Judge, City Civil Court, Chennai, is the revision petitioner herein.

3. According to the petitioner, the petitioner herein has filed a suit in O.S.No.144 of 2007 seeking recovery of money and the Trial Court decreed the suit. Thereafter, the petitioner has filed an Execution Petition in E.P.No.4070 of 2013 in O.S.No.144 of 2007 and the same is pending. Hence, the petitioner has come forward with the present civil revision petition.

4. The learned counsel for the petitioner would contend that the petitioner has filed an Execution Petition in E.P.No.4070 of 2013 in O.S.No.144 of 2007 to comply the order of the attachment of salary of the Judgment debtor/respondent. An attachment was ordered in the year 2012. Subsequently, notice was served on the wrong garnishee and the revision petitioner has filed an application to amend the prayer and the same is pending before the Executing Court and Execution Petition is also pending from the year 2013. Since the Judgment debtor is working as a teacher and he is going to retire by next year, once he retires then, it is difficult to realise the decree amount from the Judgment debtor. Therefore, the Civil Revision Petition has been filed for the above said prayer.

5. In view of the above facts and submissions made by the learned counsel for the revision petitioner, this Court is inclined to direct the learned X

Assistant Judge, City Civil Court, Chennai to dispose of the Execution Petition in E.P.No.4070 of 2013 in O.S.No.144 of 2007 on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this Order.

6. The Civil Revision Petition is disposed of with the above direction. No costs.

11.04.2018

Index:Yes/No
Internet : yes/No
kkd

Note : Issue Order copy on 13.04.2018

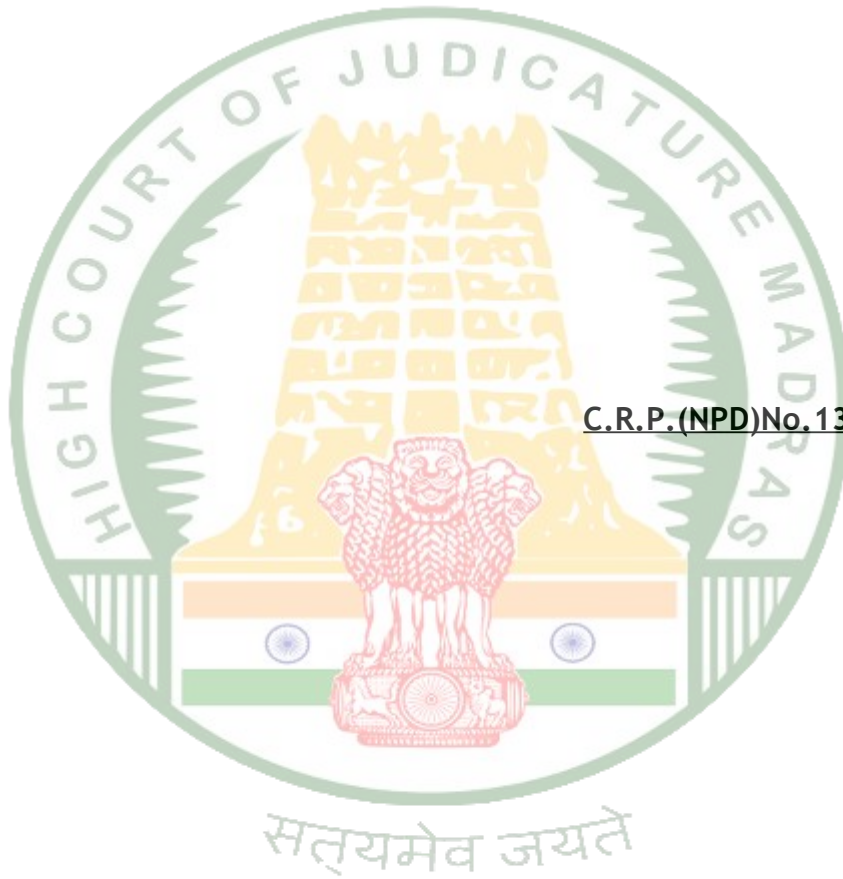
To

The X Assistant Judge,
City Civil Court, Chennai.

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P.VELMURUGAN,J.

kkd



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