

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 27.04.2018**

**Coram: The Honourable Mr. Justice N. SESHASAYEE**

**C.R.P(NPD)No.2760 of 2011  
and  
M.P.No.1 of 2011**

1.S.Pachiappan  
2.V.M.Annamalai

...Petitioners

Versus

1.K.A.Harikrishnan  
(Name amended vide order of the Court dated 19.08.2016  
made in C.M.P.No.12494 of 2016 in C.R.P.No.2760 of 2011.)

...Respondent/Decree Holder/Plaintiff

2.M/s.Bhuvaneswari Textiles (Firm),  
D.No.32, Market Street,  
Gugai, Salem,  
Represented by its Partners.

3.P.Athiappan

4.P.Siddeswaran (Died)

...Respondents/Defendants

Prayer : Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure praying to set aside the order of the Learned Principal District Judge, Namakkal in E.P.No.53 of 2009 in O.S.No.55 of 2002 dated 28.02.2002.

For Petitioners : Mr.R.Syed Mustafa

For Respondent -1 : Ms.R.Poornima

Respondents 2 & 3 : No Appearance

**ORDER**

1. This Civil Revision Petition arises against an order of attachment made in E.P.No.53 of 2009 filed by the Decree Holder/first respondent pursuant to a money decree he had obtained in O.S.No.55 of 2002 against the revision petitioners. This Court has passed an interim order of stay of further proceedings in the aforesaid execution petition. Subsequently, the Decree Holder/first respondent had filed another Execution Petition in R.E.P.No.53 of 2016 for arrest and detention of the revision petitioners.

2. The revision petitioners objected to the latest move of the Decree holder in filing a fresh Execution Petition for arrest and detention. In response to that, the first respondent had filed an objection before the Execution Court, wherein, he had stated that he would abandon E.P.No.53 of 2009.

3. When the case came up before this Court on 10.04.2018, the learned counsel for the petitioners produced a copy of the aforesaid Objection Memo filed by the first respondent. This Court therefore attempted to verify the same and wanted to ascertain this fact and posted the matter to 13.04.2018. Subsequently, the first respondent changed his counsel, and the counsel now on record has confirmed the fact that the first respondent indeed had filed a memo withdrawing E.P.No.53 of 2009 and abandoned the same.

3. In view of the above fact, the present Civil Revision Petition must be allowed and the order of attachment passed by the Execution Court in E.P.No.53 of 2009 is hereby raised. No costs. Consequently, connected Miscellaneous Petition is closed.

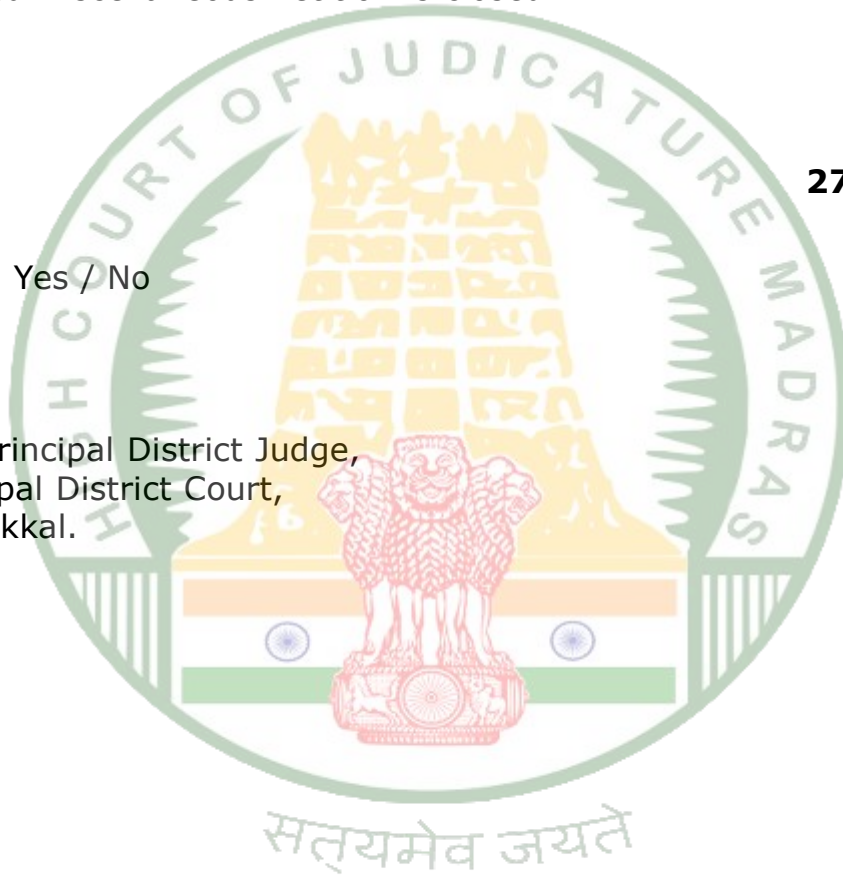
**27.04.2018**

mrr

Index : Yes / No

To

The Principal District Judge,  
Principal District Court,  
Namakkal.



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