

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (PD)No.476 of 2018
and **CMP.No.2512 of 2018**

K.Elumalai

... Petitioner

Vs

1.Selvapraha Chitfunds (P) Ltd
Rep.by its Forman, No.28,
Priyanga Complex, S.P.T.Mani Nagar,
Gandhi Nagar Post, Vadakuthu,
Neyveli, Cuddalore District.

2.Ukkaravel

3.K.Bukruthin

4.A.Arivazhagan

.. Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code to strike off in E.P.o.125 of 2016 in A.R.No.117 of 2015 on the file of the learned Principal District Judge, Cuddalore, Cuddalore District.

For Petitioner : Mr.K.Srinivasan

ORDER

This Civil Revision Petition has been to strike off in E.P.o.125 of 2016 in A.R.No.117 of 2015 on the file of the learned Principal District Judge, Cuddalore, Cuddalore District.

2. According to the petitioner, the first respondent has filed the execution application in E.P.No.125 of 2016 in A.R.No.117 of 2015 on the file of Principal District Judge, Cuddalore to collect the E.P. amount by Garnishee proceedings. The respondents 2 to 4 are the Garnishees in the afore said E.P.

3. In the light of the Judgment of this Court reported in **2012(2) CTC 209, Sundaram BNP Paribas Home Finance Limited, vs. Mir Ali**, this E.P. cannot be proceeded against the revision petitioner. The second respondent has filed the counter affidavit and the same has been adopted by the respondents 3 and 4. The aforesaid E.P. is pending before the Court below. Hence, the petitioner has filed the present civil revision petition before this Court.

4. In view of the above, the aforesaid prayer cannot be entertained before this Court and he can agitate before the Court below. At this stage, the civil revision petition is not maintainable.

5. It is open to the petitioner to file appropriate application before the court below, to raise the grounds in the aforesaid E.P.

6. In view of the above, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2018

Index : Yes/No

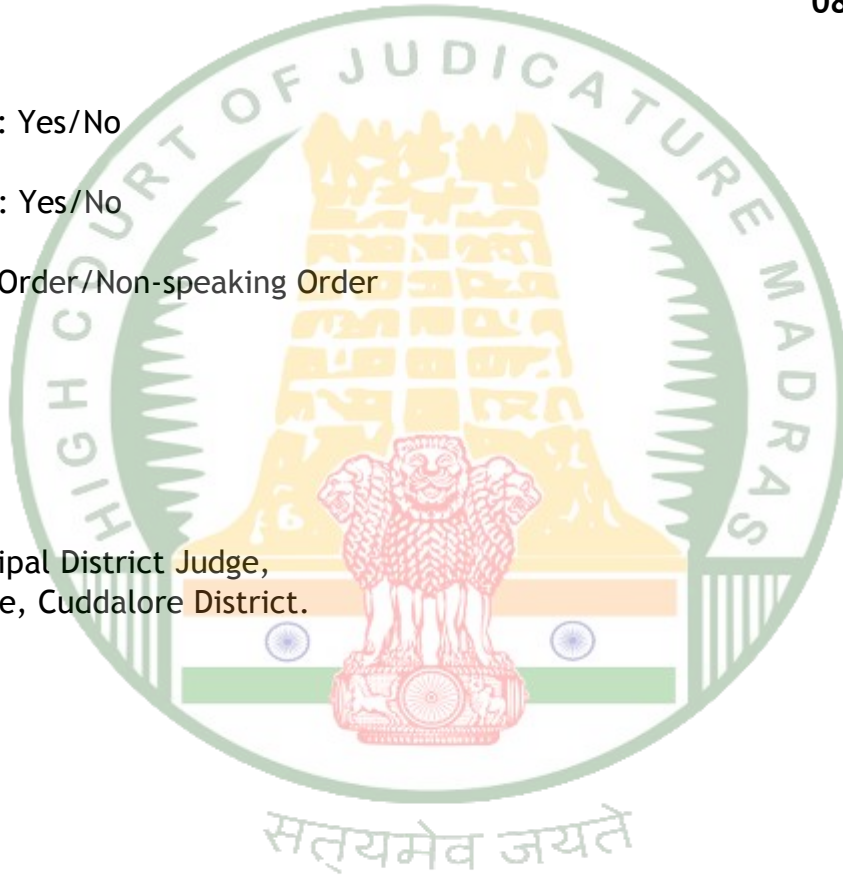
Internet : Yes/No

Speaking Order/Non-speaking Order

kkd

To

The Principal District Judge,
Cuddalore, Cuddalore District.



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D.KRISHNAKUMAR,J.

kkd



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