

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.811 of 2015
& M.P.No.1 of 2015

V.Manimaran

.. Petitioner

Vs.

1.Shriram City Union Finance
(P) Ltd., Branch Manager
Cuddalore, having office at
Cuddalore.

2.Kumar
3.Manjini

(Respondents 2 and 3 are not
necessary parties to the revision petition)

.. Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the C.P.C.,
against the fair and decretal order dated 16.12.2014 made in
E.P.No.44 of 2013 in A.C.P.No.119 of 2012 on the file of the I
Additional Subordinate Court, Cuddalore.

For Petitioner	: Mr.R.Gururaj
For R1	: No appearance
R2 and R3	: Given up

ORDER

The Civil Revision Petition is filed against the fair and decretal order dated 16.12.2014 made in E.P.No.44 of 2013 in A.C.P.No.119 of 2012 on the file of the I Additional Subordinate Court, Cuddalore.

2. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice was served on the first respondent and his name has been printed in the cause list, there is no representation on behalf of the respondent either in person or through counsel.

3. The petitioner is first respondent, first respondent is petitioner and respondents 2 and 3 are respondents 2 and 3 in E.P.No.44 of 2013 on the file of the I Additional Subordinate Court, Cuddalore. First respondent filed said E.P. for recovery of a sum of Rs.3,88,349/- to execute the award dated 12.06.2012 passed in A.C.P.No.119 of 2012 against the petitioner and respondents 2 and 3 and prayed for attachment of salary of the respondents 2 and 3 to realise the decretal amount. The petitioner and the respondents 2 and 3 took number of adjournments. Petitioner filed counter and the

same was adopted by the third respondent. After filing the counter, E.P. was adjourned for number of hearings for enquiry and subsequently for payment. The petitioner was paying meagre amounts even though the Court directed the petitioner and respondents 2 and 3 to make substantial payment. After considering the above facts, the learned Judge ordered attachment of salary of the respondents 2 and 3 by order dated 16.12.2014 ordered attachment of salary of the respondents 2 and 3 to an extent of Rs.9,000/- per month each for 24 months or till realisation of the decree amount whichever is earlier. Against the said order dated 16.12.2014 made in E.P.No.44 of 2013 in A.C.P.No.119 of 2012, the present Civil Revision Petition is filed by the petitioner, who is first respondent in E.P.

4. The learned counsel for the petitioner contended that award was passed without issuing notice to him and date of interest is excessive. This contention is on merits and the Executing Court cannot go beyond the decree passed. From the materials available on record, it is seen that the petitioner and respondents 2 and 3 have been granted number of adjournments for payment of decretal amount. The petitioner has paid meagre amount in instalments. In

view of the same, the Executing Court ordered attachment of salary of the respondents 2 and 3. It is pertinent to note that the respondents 2 and 3 have not filed any proceedings challenging the order. There is no error in the impugned order warranting interference by this Court.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2018

Index : Yes/No

Speaking/Non speaking order

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To

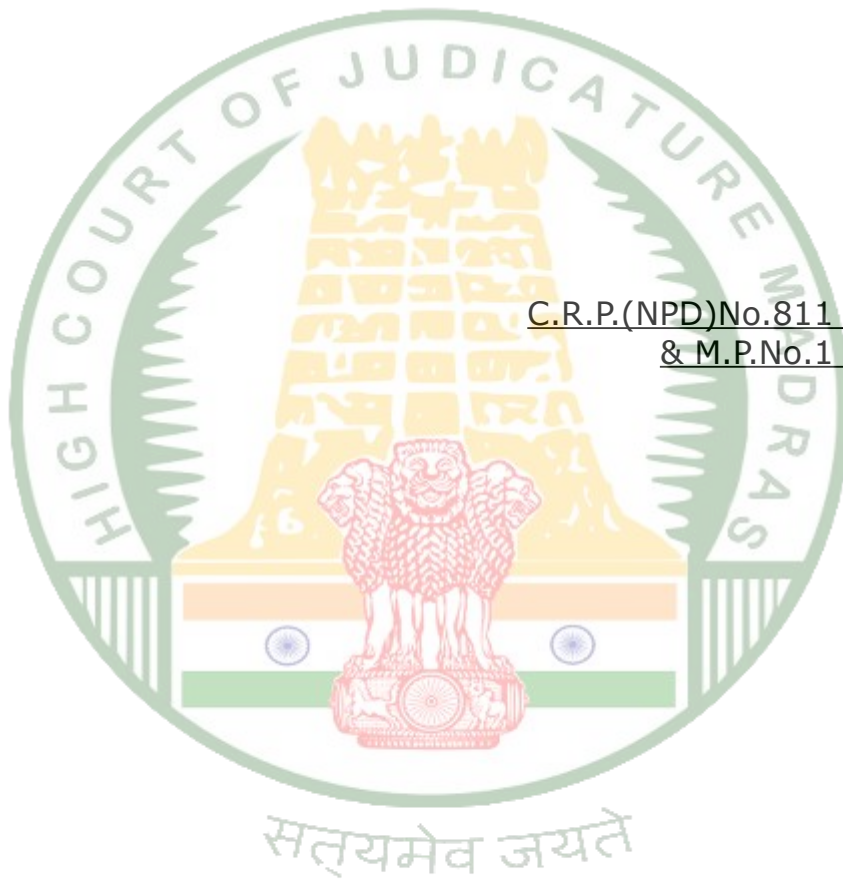
I Additional Subordinate Judge, Cuddalore.

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V.M.VELUMANI, J.

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