

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.(NPD) No.571 of 2010

& M.P.No.1 of 2010

Kumaresan ... Petitioner

Vs.

1) Madheswaran

2) The Superintending Engineer,
T.N.E.B.,
Udayapatti,
Salem.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decretal orders dated 30.11.2009 passed in R.E.P.No.8 of 2009 in O.S.No.178 of 2000 on the file of the Sub Court, Mettur.

For Petitioner : Mr.P.Mani

For R1 : Mr.A.Sundaravadhanam

For R2 (TNEB) : No appearance

ORDER

The petitioner in the instant Civil Revision Petition is the defendant

in the suit. The respondent/plaintiff had obtained a money decree against the petitioner in O.S.No.178 of 2000 on the file of Sub Court, Mettur on 05.02.2002. Thereafter, the respondent filed an execution petition in R.E.P.No.8 of 2009 on the file of the Sub Court, Mettur to execute the money decree dated 05.02.2002. The petitioner had also filed a counter affidavit to the execution petition filed by the respondent.

2. By order dated 30.11.2009, the Sub Court Mettur ordered attachment of the salary payable to the petitioner. Aggrieved by the said order, the instant Civil Revision Petition has been filed.

3. The learned counsel for the petitioner submits that an application was filed to set aside the ex-parte decree, for which the learned counsel for the respondent submits that the said application was dismissed by the trial Court.

4. Further, according to the learned counsel for the respondent no Appeal was filed against the decree dated 05.02.2002 and therefore, the decree has now become final. That being the case, this Court is of the considered view that there is no merit in the instant Civil Revision Petition.

5. Accordingly, the **Civil Revision Petition shall stand dismissed**. However, there shall be no order as to costs. Consequently, connected M.P.No.1 of 2010 is closed.

04.04.2018

Speaking Order / Non Speaking Order

Index : Yes / No

Internet : Yes / No

sts

To

The Superintending Engineer,
T.N.E.B.,
Udayapatti,
Salem.



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ABDUL QUDDHOSE, J.,

sts



Order in

C.R.P.(NPD) No.571 of 2010

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