

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P.(NPD)No.851 of 2010  
and M.P.No.1 of 2010

B.Vittabai

.. Petitioner

Vs.

R.Brone

.. Respondent

**PRAYER:** Civil Revision Petition filed under Section 115 of C.P.C against the fair and decretal order dated 01.02.2010 made in E.P.No.1550 of 2009 in O.S.No.4885 of 2008 on the file of the X Assistant City Civil Court, Chennai.

For Petitioner : No appearance

**ORDER**

This Civil Revision Petition is filed against the fair and decretal order dated 01.02.2010 made in E.P.No.1550 of 2009 in O.S.No.4885 of 2008 on the file of the X Assistant City Civil Court, Chennai.

2.The petitioner is judgment debtor and respondent is decree holder in O.S.No.4885 of 2008 on the file of the X Assistant City Civil Court, Chennai. The respondent filed the said suit under Order

37 Rule 1 of C.P.C for recovery of money. The petition filed by the petitioner in I.A.No.17171 of 2008 for leave to defend the suit in O.S.No.4885 of 2008 was dismissed and the suit was decreed. The respondent filed E.P.No.1550 of 2009 for attachment of sale of the movable properties belonging to the petitioner at her residence to realise the decretal amount.

3.The petitioner filed counter affidavit and contended that she intends to file appeal against the order dismissing the application for leave to defend the suit and prayed for dismissal of E.P.No.1550 of 2009.

4.The learned Judge by the order dated 01.02.2010, ordered attachment of movables by 26.03.2010.

5.Against the said order dated 01.02.2010 made in E.P.No.1550 of 2009 in O.S.No.4885 of 2008, the present Civil Revision Petition is filed by the petitioner.

6.When the matter was taken up for hearing on 12.02.2018, there was no representation for the petitioner and hence the matter was directed to be posted on 13.02.2018, under the caption "for

dismissal". Today also, there is no representation for the petitioner. Hence, the matter is disposed of on merits.

7.From the records, it is seen that in the Civil Revision Petition, notice was not ordered to the respondent, but matter was referred to Lok Adalat. Before Lok Adalat, the respondent was present in person and the counsel for the petitioner was present. The learned counsel for the petitioner submitted that though notice was ordered to the petitioner, she did not appear. In view of the said submission, the Lok Adalat returned the case to the Court for disposal of the Civil Revision Petition on merits. The decree passed against the petitioner is dated 15.11.2008 and E.P was allowed on 01.02.2010. The Civil Revision Petition is of the year 2010. The petitioner has not produced any particulars to show that appeal has been filed against the order dismissing I.A.No.17171 of 2008 filed for leave to defend the suit in O.S.No.4885 of 2008. Further, the Civil Revision Petition was posted before the Lok Adalat at the instance of the petitioner for settlement. The petitioner did not appear and no settlement was arrived at. From the above materials, it is clear that there is no infirmity in the order of the learned Judge dated 01.02.2010 made in E.P.No.1550 of 2009 in O.S.No.4885 of 2008, warranting interference by this Court.

8.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. Registry is directed to send a copy of this order to the respondent.

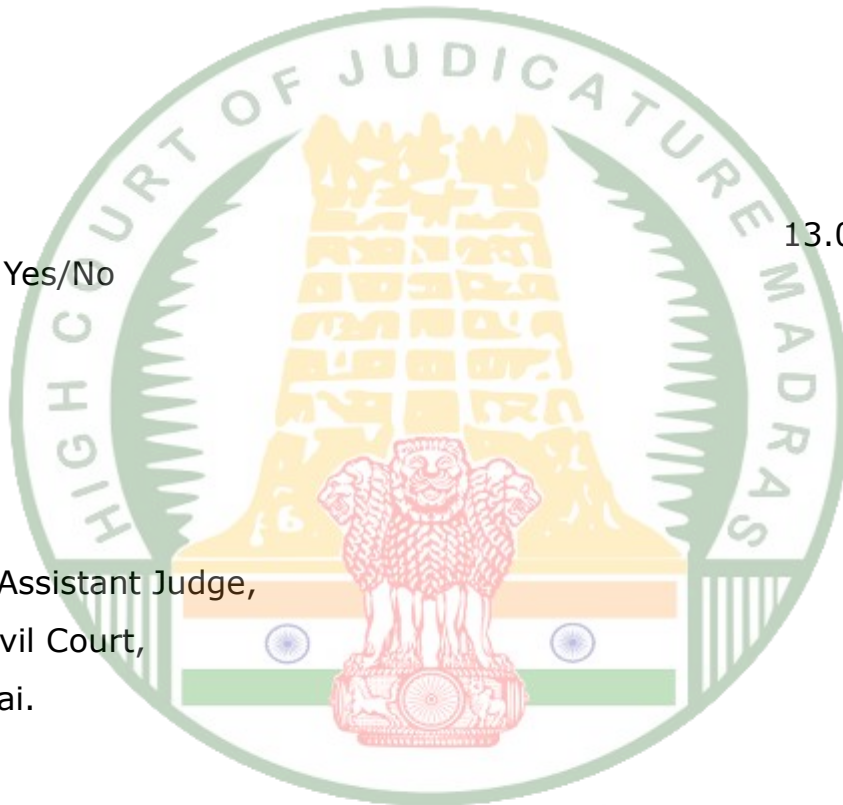
13.02.2018

Index :: Yes/No  
gsa

To

1.The X Assistant Judge,  
City Civil Court,  
Chennai.

2.Ms.R.Brone,  
No.7, Anna Colony South Boag Road,  
T.Nagar,  
Chennai 600 017.



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**V.M.VELUMANI, J.**

gsa



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