



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.1959 of 2016 (NPD)
and
CMP (MD)No.9253 of 2016

Devadas

... Petitioner

Vs.

1.Augustine
2.Salomon
3.Raj

... Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 29.04.2016 made in E.P.No.100 of 2013 in O.S.No.48 of 2012 on the file of the First Additional Sub Court, Nagercoil.

For Petitioner : Mr.R.Murugan
For Respondents : Mr.F.X.Eugene

ORDER

The Judgment debtor is the revision petitioner. The court below while executing the decree passed against him ordered his arrest. It is seen that no means enquiry was conducted before ordering the arrest of the revision petitioner. The court below has not given the reason that even though the revision petitioner is having means, he is deliberately avoiding satisfying the decree in question.

2.In this view of the matter, the order impugned in this Civil Revision Petition is set aside and the matter is remitted to the file of the executing court to pass orders afresh in accordance with law within a period of four weeks from the date of receipt of a copy of this order. With this direction, this Civil Revision Petition is allowed. No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/



The First Additional Subordinate Judge,
First Additional Sub Court,
Nagercoil.

+ 1 CC TO Mr.R.MURUGAN, ADVOCATE IN SR No. 77813
+ 1 CC TO Mr.F.X.EUGENE, ADVOCATE IN SR No. 77779

SKM

TE/KAK/SAR-4 : 24/08/2018 : 2P/4C

CRP (MD)No.1959 of 2016 (NPD) and
CMP (MD)No.9253 of 2016
09.08.2018