



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM :

WEB COPY

THE Hon'ble MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD) (MD) No.2327 of 2011

and

M.P (MD) No.2 of 2011

The Revenue Divisional Officer,
Sivakasi Revenue Division,
Sivakasi, Virudhunagar District.

:Petitioner / Petitioner

vs.

D.Shanmugakani

:Respondent / Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order of attachment made in E.P.No.13 of 2010 in L.A.O.P.No.16 of 2006, dated 18.02.2011 and the consequential order dated 11.03.2011 on the file of the Subordinate Court, Sivakasi, Virudhunagar District.

For Petitioner: Mr.M.Karuppasamy
Government Advocate

For Respondent: No Appearance

ORDER

This Civil Revision Petition has been filed by the petitioner against the order passed in E.P.No.13 of 2010 in L.A.O.P.No.16 of 2006 by the learned Subordinate Judge, Sivakasi, Virudhunagar District.

2.In the said Execution Petition, the lower Court ascertained the outstanding amount as Rs.12,482.73/-. As per the impugned order, the petitioner herein is liable to pay the said amount to the respondent herein on or before 11.03.2011. As against the said order, the petitioner has preferred the present Civil Revision Petition.

3.When the matter is taken up for hearing, the petitioner has filed a calculation memo, stating that they are liable to pay only a sum of Rs.1,506.62/-. It is seen that the Execution Court has arrived at the outstanding demand on the basis of the order passed in L.A.O.P.No.16 of 2006. However, the said order in L.A.O.P.No.16 of 2006 was not challenged before any forum. Unless and until this order is questioned, this Court cannot interfere with the order



passed in the Execution Petition by the lower Court at any cost. Hence, this Court is not inclined to accept with the reasons provided and also the calculation memo filed by the petitioner herein.

4. Therefore, this Court ascertains the total outstanding amount payable by the petitioner herein as Rs.12,482.73/- along with the interest at the rate of 15% per annum. It will come around a sum of Rs.14,046/-. Therefore, the petitioner is directed to pay a sum of Rs.26,528/- (Rs.12,482/- towards principal + Rs.14,046/- towards interest) as on the date of the order, which shall be paid to the concerned Court to the credit of E.P.No.13 of 2010 within a period of three months from the date receipt of copy of this order. The petitioner is directed to inform the same to the respondent by way of R.P.A.D. and report compliance to this Court after three months.

5. With the above directions, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

6. Post the matter after three months for reporting compliance.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Subordinate Judge, Sivakasi, Virudhunagar District.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.89688

CMR

BU/SKN/SAR-2 : 19.11.2018 : 2P/5C

C.R.P. (NPD) (MD) No.2327 of 2011
09.10.2018