

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.2393 of 2018

Order:

Aggrieved by the action of the Executing Court in merely ordering a notice in the execution petition without ordering attachment, the decree-holder has come up with the above revision petition.

2. Heard Mr. Narasimha Rao Gudiseva, learned counsel for the petitioner.

3. The decree obtained by the petitioner is one for payment of money. It is actually an *ex parte* decree. It appears that even to the petitioner, the certified copy of the decree was delivered on 16-02-2018.

4. Immediately, the petitioner filed execution petition in E.P.No.35 of 2018 and sought the attachment of the property of the respondent. In the said application, the Court below passed an order on 08-3-2018 directing the issue of notice under Order XXI, Rule 54 CPC. Contending that under Order XXI, Rule 54 CPC, it is mandatory for the Court to order interim attachment, the decree-holder has come up with the above revision.

5. But as I have indicated above, the decree for money was dated 15-12-2017 and the certified copy of the decree was delivered on 16-02-2018. Assuming that it was delivered to the judgment-debtor also on the same date, the time limit for the judgment-debtor to file an appeal or to file a petition

for setting aside the *ex parte* decree has not expired on 08-3-2018. Therefore, the petitioner cannot have serious grievance about the action of the Court below.

6. In any case, Section 52 of the Transfer of Property Act, 1882 is always there. Therefore, I find no justification to entertaining the revision, hence, it is dismissed. The applications, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

13th April, 2018.
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