

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2019

CORAM :

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

C.R.P. (NPD) No.3799 of 2009

and

M.P.No.1 of 2009

The Narasimha Mills Pvt. Ltd.,
Rep. by its Managing Director,
R.Ravikumar
At Narasimma Naiken Palayam,
Mettupalayam Road,
Coimbatore – 641 031.

... Revision Petitioner

Vs.

1.M/s.Vasavi Cotton Trading Company,
Guntur, Rep. by its Proprietor,
Sri Motamarri Nageshwara Rao
Resident of Nallacheruvu,
Guntur, Guntur District.

2.V.Lakshmi Narashimam

3.Murugathamma

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order made in E.P.No.34 of 2008 dated 18.09.2008 on the file of the Principal District Court, Coimbatore and allow this Civil Revision Petition.

For Petitioner : M/s.S.Radha Gopalan

For Respondents

R1 : Mr.J.Madana Gopal Rao

R2 and R3 : No appearance

ORDER

The present revision has been directed as against the order of attachment, passed by the Execution Court in E.P.No.34 of 2008.

2.The only contention of the revision petitioner is that the decree has been passed as against a public limited company, but now, the company has changed into a private limited company. Therefore, the decree is not executable. However, to substantiate the same, no evidence has been placed before this Court. Admittedly, the Directors of both the companies are same. This fact is not under dispute.

3.That being the position, without showing as to what is the nature of the liability, which was transferred to the newly constituted company, the revision petitioner cannot contend that the attachment ordered by the Execution Court is not valid. Without any materials in this regard, this Court cannot go into and proceed with mere oral submissions. Admittedly, decree has been passed and has been put into execution and attachment has been

ordered by the Execution Court for realisation of the amount by rightly holding that the Execution Court cannot go beyond the decree. It appears that the decree has also not been challenged for all these days.

4. Therefore, I find no illegality or perversity in the order of attachment passed by the Execution Court in E.P.No.34 of 2008. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.04.2019

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Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order

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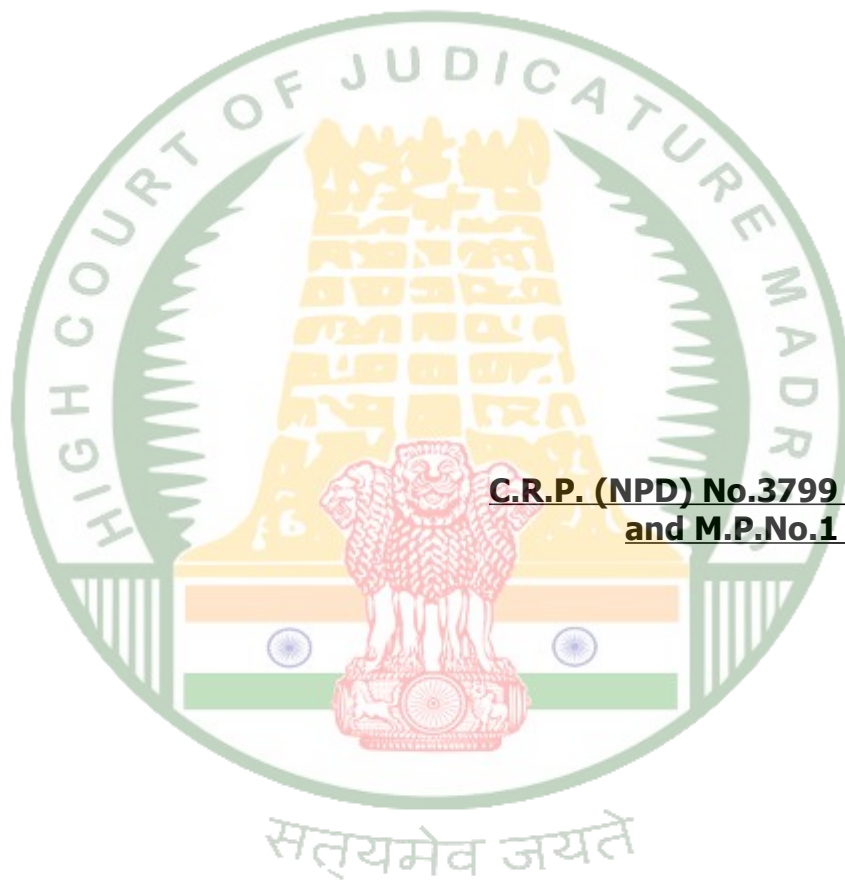
The Principal District Judge,
Coimbatore.

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N. SATHISH KUMAR, J.

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