

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISWAMY

C.R.P. (NPD) Nos.2251 and 2252 of 2014

K.Vijaya

... Revision Petitioner
in both revision petitions

Vs.

1.Rajammal
2.Rajaram
3.Sujatha
4.Sekar

... Respondents
in both revision petitions

Prayer in C.R.P. (NPD) No.2251 of 2014 : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order and decree dated 05.10.2013 made in E.P.No.18 of 2011 in O.S.No.151 of 1995 on the file of District Munsif Court, Sholinghur.

Prayer in C.R.P. (NPD) No.2252 of 2014 : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order and decree dated 05.10.2013 made in E.P.No.86 of 2010 in O.S.No.223 of 1996 on the file of District Munsif Court, Sholinghur.

For Petitioner : Mr.A.Gouthaman
in both revision petitions

For R1 and R3 : No appearance

For R2 and R4 : Mr.D.Krishna Pradeep
for Mr.N.Damodaran
in both revision petitions

COMMON ORDER

Challenging the orders passed in E.P.No.18 of 2011 in O.S.No.151 of 1995 on the file of the District Munsif's Court, Sholinghur, the plaintiff has filed C.R.P.No.2251 of 2014. Similarly, she has also filed C.R.P.No.2252 of 2014 as against the order passed in E.P.No.86 of 2010 in O.S.No.223 of 1996 on the file of the District Munsif's Court, Sholinghur.

2.The plaintiff filed the suits in O.S.Nos.151 of 1995 and 223 of 1996 for recovery of money. After contest, the trial Court decreed the suits, by directing the defendants to pay the decreed amount, out of the properties received by them from their father, deceased Venkatraman. Pursuant to the decrees passed in the suits, the plaintiff filed the execution petitions in E.P.Nos.18 of 2011 and 86 of 2010 for realising the decreed amount. Before the Execution Court, the Judgment Debtors submitted that they did not receive any property from their father and therefore, they are not liable to pay the decreed amount. In support of their contention, they have also

produced Exhibits R1 to R3, apart from examining two witnesses. The Execution Court, taking into consideration the stand of the Judgment Debtors that they did not receive any property from Late Venkatraman, dismissed the execution petitions.

3. When the decrees are specific with regard to the realisation of the decreed amount, i.e. the defendants have to discharge the decreed amounts out of the properties received from their father, Late Venkatraman, and when they did not receive any property from Late Venkatraman, as per the decrees, the plaintiff cannot proceed as against the other properties available with the defendants. The plaintiff also failed to establish that the defendants received properties from their father, Late Venkatraman. Under these circumstances, the Execution Court has rightly dismissed the execution petitions.

4. I do not find any error or irregularity in the orders passed in the execution petitions. These Civil Revision Petitions are devoid of merits and the same are dismissed. No costs.

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Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order

M. DURAISWAMY, J.

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To

The District Munsif,
Sholinghur.



CRP (NPD) Nos.2251 & 2252 of 2014

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