



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.R.P.NPD (MD)No.919 of 2012
and M.P. (MD) No.1 of 2012

Tamil Selvi : Petitioner /1st Respondent/Defendant

Vs.

1.Raji : 1st Respondent/Petitioner/Plaintiff

2.The Assistant Director,
Kathar and Village Industries,
Opp. To Kamarajar Kalyanamandapam,
Siluvathur Road,
Dindigul. : 2nd Respondent/Garnishee/3rd party

PRAYER: Civil Revision Petition under Section 115 of CPC, against the Fair and decreetal order dated 06.06.2011 passed by the learned Sub Judge, Palani in E.P.No.68 of 2010 in O.S.No.183 of 2008.

For Petitioner : Mr.T.Leninkumar

For 1st Respondent : Mr.S.Madhavan

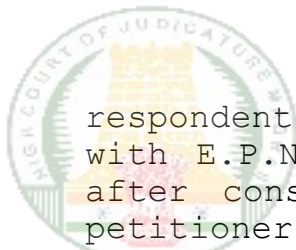
For 2nd Respondent : No appearance

O R D E R

This Civil Revision Petition has been directed against the impugned fair and decreetal order dated 06.06.2011 passed in E.P.No.68 of 2010 in O.S.No.183 of 2008 by the learned Sub-Judge, Palani, in and by which, the salary of the petitioner was attached to the extent of Rs.4,000/- per month.

2.Learned counsel appearing for the petitioner would submit that the petitioner was receiving only Rs.6,000/- as salary and the order attaching Rs.4,000/- from his salary is unsustainable.

3.It is not known as to how the petitioner can take such plea in the present Civil Revision Petition, when she deliberately remained exparte before the trial Court. The first respondent has filed the suit for recovery of Rs.1,00,000/-. Having planned to protract the issue, the petitioner remained exparte and suffered an exparte decree for recovery of money. Even after the decree, the petitioner has not paid the money. Therefore, the first



respondent/plaintiff was constrained to approach the Execution Court with E.P.No.68 of 2010 in O.S.No.183 of 2008. The Execution Court after considering the plea, ordered attachment of salary of the petitioner to an extent of Rs.4,000/- per month. In the considered opinion of the Court, a reasonable order was passed by the Court below, directing attachment of Rs.4,000/-, from the salary of the petitioner, when the petitioner was receiving Rs.13,000/- per month as salary. Therefore, the Execution Court cannot be found fault with. Therefore, the Civil Revision Petition is liable to be dismissed.

4.Accordingly, the Civil Revision Petition is dismissed. Consequently connected Miscellaneous Petition is also dismissed.

5.The petitioner borrowed a sum of Rs.1,00,000/- from the first respondent on 15.08.2007 and executed a promissory note. However, she has not come forward to pay the money to the first respondent. Hence, the first respondent has filed the suit for recovery of money. The petitioner remained exparte. Consequently, an exparte decree was passed. Even the exparte decree was not complied with. Once again the first respondent was dragged to file Execution Petition. Even in the Execution Petition, the petitioner has not come forward to pay the money. Therefore, the Execution Court has ordered attachment of salary. Ironically, even after that, the petitioner has not come forward to repay the amount borrowed, therefore, considering the conduct of the petitioner in protracting the matter before the trial Court, Execution Court and this Court, this Court directs the petitioner to pay a cost of Rs.25,000/- to the respondent, in addition to the amount payable as per the decree.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

sj

To

The Subordinate Judge, Palani.

+1 CC to M/s.S.MADHAVAN, Advocate (SR-104697[F] dated 12/12/2019)
+1 CC to M/s.T.LENINKUMAR, Advocate (SR-104701[F] dated 12/12/2019)

CRP (NPD) (MD)No.919 of 2012
11.12.2019

JMN(20.01.2020) 2P : 4C

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