



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

CRP(NPD) (MD)No.1152 of 2012**and M.P. (MD)No.2 of 2012**

WEB COPY

1. Devaram Sundarraaj
2. Kamalam Packiathai

... Petitioners/Respondents/Defendants

versus

Sakthivel

... Respondent/Petitioner/Plaintiff

Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 30.04.2012 passed in E.P.No.22 of 2009 in O.S.No.17 of 2005 on the file of Sub Court, Ambasamudram.

For Petitioners	:	No appearance
For Respondent	:	Mr.P.Balamurugan for Mr.J.Ashok

ORDER

This Civil Revision Petition has been filed by the petitioners/judgment debtors, challenging the impugned decreetal order dated 30.04.2012 made in E.P.No.22 of 2009 in O.S.No.17 of 2005 on the file of the Sub Court, Ambasamudram.

2. Originally, a suit in O.S.No.17 of 2005 has been filed by the respondent against the petitioners for recovery of money of Rs.1,22,370/- before the Sub Court, Ambasamudram and that suit was decreed ex parte on 20.10.2008. Thereafter, the respondent filed E.P.No.22 of 2009 in O.S.No.17 of 2005 before the Sub Court, Ambasamudram. In the said Execution Petition, the petitioners herein filed Counter and thereafter, they filed a memo on 25.02.2011 stating that they are not pressing the counter and prayed for time for payment. Thereafter, on 11.04.2011, part satisfaction for Rs.2,000/- was recorded and on 31.05.2011, another part satisfaction of Rs.3,000/- was recorded, after which, the petitioners herein defaulted in payment and hence, attachment was ordered on 19.07.2011. Thereafter, since the service was awaited with regard to the same, the attachment was made absolute on 15.09.2011 and the first schedule was ordered to be brought for sale. Thereafter, part satisfaction was made for a sum of Rs.15,000/- and that was recorded as per E.A.No.108 of 2012 dated 27.04.2012 and sale was adjourned. At this stage, the Civil Revision Petition has been filed.

3. The learned counsel appearing for the respondent submits that the suit was decreed on 20.10.2008 and before the Execution Court also, the order of attachment was made absolute on 15.09.2011, hence, the Civil Revision Petition is not maintainable.



4. Today, when the matter is called, there is no representation for the petitioners. Even on earlier occasion, i.e. on 10.01.2020, there was no representation for the petitioners. It clearly shows that the petitioners wanted to drag on the proceedings endlessly. Therefore, this Court is inclined to dismiss the Civil Revision Petition for non-prosecution.

5. Accordingly, the Civil Revision Petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

The Sub Judge, Ambasamudram.

CRP (NPD) (MD) No.1152 of 2012

20.01.2020

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