



WEB COPY

C.R.P(NPD)(MD)No.1607 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (NPD) (MD)No.1607 of 2012

and

M.P. (MD)No.1 of 2012

1.S.Basith Ibrahim

2.P.Palanichamy

: Petitioners/Respondents/Respondents

.. Vs ..

Syndicate Bank,

Thamaraipadi Branch,

Dindigul Taluk,

rep. by The Branch Manager : Respondent/Petitioner/Applicant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records pertaining to the fair and decretal order dated 11.04.2012 made in E.P.No.28 of 2009 on the file of the Additional District Munsif Court, Dindigul in L.A.C.No.236 of 2007 on the file of the District Legal Services Authority, Dindigul and set aside the same.

For Petitioners

: Mr.P.Mahendran

For Respondent

: Mr.A.M.P.Pugazhenth

ORDER

The judgment debtors in the proceedings for recovery of money are the revision petitioners. The respondent in this Civil Revision Petition earlier filed an execution petition for enforcement of the decree in L.A.C.No.236 of 2007 on the file of the District Legal Services Authority, Dindigul.

2.As per the decree, a sum of Rs.1,12,579/- is due from the judgment debtors. The respondent, thereafter, filed an execution petition in E.P.No.28 of 2009 in L.A.C.No.236 of 2007 for directing the respondent to recover the money from the salary of revision petitioners at the rate of Rs.3,000/- (Rupees Three Thousand only) per month. Challenging the said order, the judgment debtors have preferred the above Civil Revision Petition.

3.Having regard to the admitted facts, the petitioners have suffered a decree in terms of the award of Lok Adalat. It is also admitted that the money due to the respondent is not paid by the petitioners. In the said circumstances, the decree holder namely the Bank filed an execution petition in E.P.No.28 of 2009 in L.A.C.No.236 of 2007 by directing payment at the rate of Rs.3,000/- per month after recording the fact that the petitioner is drawing a

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salary of Rs.10,000/- and that a sum of Rs.9,000/- is available after deducting a sum of Rs.1,000/- towards personal expenses. Having regard to the facts admitted and recorded by the lower Court which is under challenge before this Court, this Court is of the view that the petitioner has no grounds to sustain the above Civil Revision Petition. The revision petition is pending for more than eight years and substantial injustice is done to the decree holder. The Civil Revision Petition is nothing but a calculated attempt to deprive the respondent/decreed-holder to recover the amount. Hence, this Civil Revision Petition is dismissed with a cost of Rs.5,000/- (Rupees Five Thousand only) payable to the Bubbles Day Care being run by the Women Lawyers' Association, Madurai Bench of Madras High Court, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Post this matter after two weeks from the date of issuance of this order 'for reporting compliance'.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

- 1.The Additional District Munsif ,
Dindigul.
- 2.The District Legal Services Authority,
Dindigul.
- 3.The Branch Manager,
Syndicate Bank,
Thamaraipadi Branch,
Dindigul Taluk.

COPY TO

The Officer in Charge,
Bubbles Day Care run by
Women Lawyer's Association,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.J.LAWRENCE, Advocate (SR-11030[F] dated 11/03/2020)

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