



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2020

CORAM

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

C.R.P (NPD) (MD)No.1822 of 2012

and

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

: Petitioner/Respondent/Defendant

WEB COPY

C.Muniandi

.. Vs ..

V.Chandrasekaran : Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., praying to set aside the Order passed in E.P.No.30 of 2012 in O.S.No.429 of 2009 dated 19.06.2012 on the file of the Principal District Munsif Court, Dindigul and allow this Revision Petition.

For Petitioner

: Mr.S.C.Herold Singh

For Respondent

: No appearance

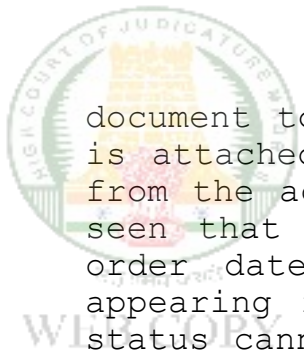
ORDER

This Civil Revision Petition is directed against the order passed in E.P.No.30 of 2012. This Civil Revision Petition is filed by the defendant in the suit in O.S.No.429 of 2009 on the file of the Principal District Munsif Court, Dindigul.

2.The respondent filed the suit for recovery of a sum of Rs.85,675/- with interest at the rate of 12% per annum on the basis of the promissory note alleged to have been executed by the petitioner in favour of the respondent. The said suit was decreed by the learned Principal District Munsif by judgment and decree dated 03.12.2011. After the decree in the suit, the decree-holder filed an execution petition in E.P.No.30 of 2012 in O.S.No.429 of 2009. In the execution petition, after recording the fact that the petitioner is working as a Post Master in the Postal Department, passed an order directing the petitioner to pay a sum of Rs.5,000/- as monthly installment till the discharge of the loan. It is against the order directing the petitioner to pay the money in installment at the rate of Rs.5,000/- per month, the above Civil Revision Petition is filed.

3.The liability of the petitioner to pay the entire decretal amount as per the decree is not in dispute. It is not brought to the notice of this Court that the petitioner has filed any appeal as against the decree of the trial Court. The contention of the petitioner is that under Section 60(i) of the Civil Procedure Code, the salary to the extent of first one thousand rupees and 2/3 of the remainder cannot be attached. Stating that the petitioner's take home is only Rs.1,835/- as salary, the above Civil Revision Petition is filed.

<https://hcservices.courts.gov.in/hcservices/> 4.The petitioner has not produced before the lower Court any



document to convince the lower Court that major part of the salary is attached. The details of the attachment and the money deducted from the account of the petitioner is also not given. It is to be seen that the petition filed by the decree-holder was allowed by order dated 19.06.2012. The contention of the learned Counsel appearing for the petitioner that he could not verify the present status cannot be accepted especially when the matter is pending for more than eight years. Having regard to the nature of relief sought for, this Court has no hesitation to hold that the Civil Revision Petition is nothing but to defeat the rights of the decree-holder to recover the amount due. After considerable delay, the salary of the petitioner also must have been revised. The petitioner's counsel is unable to ascertain the present status. As a result, this Civil Revision Petition is dismissed as devoid of merit. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

SRM

To
The Principal District Munsif,
Dindigul.

Copy to: The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. 2 copies

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-10108[F]

C.R.P(NPD) (MD)No.1822 of 2012

04.03.2020

SMA/08/05/2020/2P/5C