



CRP.(NPD).No.596/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.(NPD).No.596/2019 & CMP.No.3989/2019

[Video Conferencing]

Narayanasamy Nadar & Sons

.. Petitioner

Vs.

1.Jeetendrakumar Mulchandji Jain,
Proprietor of M/s. Supreme Agency,
Ankleswar, Bharuch District,
Gujarat State.

2.Sairam & Company, Raathinam Agency,
51/1/39, Acharappan, 1st Floor,
Chennai,
Tamil Nadu, Pin 600 001.

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to aside the order dated 05.01.2019 and made in E.P.No.1202/2016 in O.S.No.34/2003 on the file of the learned X Assistant Judge, City Civil Court at Chennai.

For Petitioner	:	Mr.R.Amardeep
For R1	:	Mr.R.Imayavaramban for M/s.Ramalingam and Associates



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ORDER

- (1) This Civil Revision Petition is directed against the order dated 05.01.2019 in E.P.No.1202/2016 in O.S.No.34/2003 on the file of the learned X Assistant Judge, City Civil Court at Chennai for attaching the movables of the judgment debtor namely the revision petitioner/1st defendant. The 1st respondent/decreed holder obtained a money decree. The decree was passed in Special Civil Suit No.34/2003 before the Sub Court at Ankleswar in Gujarat.
- (2) It is admitted that the Decree was transmitted for execution to the City Civil Court, Chennai and numbered as E.P.No.1202/2016. The 1st respondent/decreed holder filed the Execution Petition for attachment of the movables of the judgment debtor found in the premises of M./s.Narayana Swamy Nadar & Sons, a Dhall Mill, which according to the revision petitioner/1st defendant is closed.
- (3) Though the revision petitioner/1st defendant has stated something high about his status and financial position, the decree in the Suit in O.S.No.34/2003 filed before the Sub Court in Gujarat cannot be challenged in the Execution Petition in E.P.No.1202/2016 as



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findings of the Court regarding liability of the judgment debtor has become final. Since, the decree is transmitted to the City Civil Court for execution, this Court is unable to consider any valid points to entertain this Civil Revision Petition. It is stated by the revision petitioner/1st defendant that the Suit in O.S.No.34/2003 was decreed against the revision petitioner/1st defendant and that the Suit was dismissed as against the respondent/2nd defendant.

- (4) The only ground raised by the revision petitioner/1st defendant is that the Suit in O.S.No.34/2003 was dismissed against the respondent/2nd defendant and that the Execution Petition filed against both. It is to be seen that the Execution Petition is filed only against the revision petitioner/1st defendant and not against the respondent/2nd defendant. It is not in dispute that the properties which are sought to be attached are the properties of the revision petitioner/1st defendant. Therefore, the order directing attachment of the movables found in the premises of revision petitioner/1st defendant cannot be found fault with.



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(5) It is seen, that the revision petitioner/1st defendant has deposited a sum of Rs.1,50,000/- in compliance of the direction of this Court while granting Interim Stay. Though the learned counsel appearing for the revision petitioner states that there is a possibility of settlement, this Court is unable to find a concrete proposal from the counsel. The learned counsel himself admitted that the respondent did not agree to waive the interest portion.

(6) In such circumstances there is no purpose in adjourning of matter under the pretext of settlement. The judgment debtor is liable to pay a sum of Rs.4,85,695/- with interest @9% p.a., from the date of filing of the Suit. The Suit was filed in the year 2003 before the Principal Senior Civil Judge, Ankleshwar. The movables of the revision petitioner/1st defendant were being attached, as per the impugned order. This Court is unable to find any irregularity in the order attaching the movables belonged to the revision petitioner/1st defendant judgment debtor.

(7) Since, this Court finds no merits in the present petition, the Civil



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Revision Petition stands **dismissed**. No costs. Consequently,
connected miscellaneous petition is closed.

24.11.2021

cda

Internet : Yes

To

1.The X Assistant Judge, City Civil Court, Chennai.



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S.S.SUNDAR, J.,

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