

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).Nos.2156 to 2160 of 2016
and C.M.P.Nos.11227 to 11231 of 2016

- 1.The Tamil Nadu Housing Board,
Rep. by its Managing Director and Chairman,
Chennai.
- 2.Tamil Nadu Housing Board,
Rep. by its Executive Engineer,
Ashok Nagar, Chennai. ... Petitioners/2nd & 3rd Respondents in all CRPs
- Vs.**
- | | | |
|----------------|-----|--|
| 1.Ramasamy | ... | 1 st Respondent/Claimant in CRP/2156/2016 |
| 1.N.Srinivasan | ... | 1 st Respondent/Claimant in CRP/2157/2016 |
| 1.N.Sumathi | ... | 1 st Respondent/Claimant in CRP/2158/2016 |
| 1.Thangammal | ... | 1 st Respondent/Claimant in CRP/2159/2016 |
| 1.S.Devadoss | ... | 1 st Respondent/Claimant in CRP/2160/2016 |
- 2.The Revenue Divisional Officer,
Cuddalore. ... 2nd Respondent/1st Respondent in all CRPs

Prayer in CRP/2156/2016: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the re-attachment Order of the Special Sub Court for LAOP cases at Cuddalore, dated 09.03.2016 (docket Order) in E.P.No.25 of 2013 in LAOP.No.19 of 1990.

Prayer in CRP/2157/2016: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the re-attachment Order of the Special Sub Court for LAOP cases at Cuddalore, dated 09.03.2016 (docket

Order) in E.P.No.26 of 2013 in LAOP.No.20 of 1990.

Prayer in CRP/2158/2016: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the re-attachment Order of the Special Sub Court for LAOP cases at Cuddalore, dated 09.03.2016 (docket Order) in E.P.No.27 of 2013 in LAOP.No.21 of 1990.

Prayer in CRP/2159/2016: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the re-attachment Order of the Special Sub Court for LAOP cases at Cuddalore, dated 09.03.2016 (docket Order) in E.P.No.28 of 2013 in LAOP.No.30 of 1990.

Prayer in CRP/2160/2016: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the re-attachment Order of the Special Sub Court for LAOP cases at Cuddalore, dated 09.03.2016 (docket Order) in E.P.No.9 of 2014 in LAOP.No.25 of 1990.

For Petitioners : Mr.M.R.Sivakumar
(in all CRPs)

For Respondents : Mr.T.S.Baskaran [R1]
(in all CRPs) No Appearance [R2]

COMMON ORDER

(Heard through video conferencing)

These Civil Revision Petitions have been filed challenging the Orders of the Executing Court/Special Sub Court for LAOP cases, Cuddalore, dated 09.03.2016 passed in E.P.Nos.25, 26, 27, 28 of 2013 and 9 of 2014 in LAOP.Nos.19, 20, 21, 30 & 25 of 1990 respectively.

2. Since the facts and issues involved in all Civil Revision Petitions are similar, they are taken up together and being disposed of vide a common order.

3. In the impugned order, the Executing Court has ordered to attach the properties of the petitioners.

4. It is submitted by the learned counsel for the petitioners that the findings rendered by the learned Executing Judge on 06.11.2014 on the basis of the calculation memos filed by both sides, is not correct.

5. It is seen from records that the learned Executing Judge has perused the working sheet submitted by both the Decree Holder and the Judgement Debtor and recorded that the deduction method adopted by the Judgement Debtor is not correct. By making such an observation, the Court has deduced the balance decree amount to be paid as on 08.04.2014 along with subsequent interest. Time for payment has been given till 05.12.2014. Thereafter also, the cases have been adjourned for various hearing dates for accommodating the respondents to make payment. Since no payments have been made, attachment order has been passed on 09.03.2016.

6. The learned counsel for the petitioner submitted that the findings of the learned trial Judge with regard to the balance amount is not correct and hence, the party should be allowed to file calculation memos. These petitioners have not challenged the Order of the Executing Court dated 06.11.2014. Having allowed it to become final, now the petitioners cannot be allowed to roll back once again to question the calculation method. Since the payment has not been paid, the Executing Court has rightly ordered to attach the properties and hence, I find no factual or legal infirmity in the Orders passed by the Executing Court.

In the result, all the five Civil Revision Petitions are dismissed and the Orders of the Executing Court/Special Sub Court for LAOP cases, Cuddalore, dated 09.03.2016 passed in E.P.Nos.25, 26, 27, 28 of 2013 and 9 of 2014 in LAOP.Nos.19, 20, 21, 30 & 25 of 1990 respectively, is confirmed. No costs. Connected civil miscellaneous petitions are closed.

Speaking/Non-speaking
Index: Yes/No

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22.07.2021

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To

1.The Special Sub Court for LAOP cases,
Cuddalore,

2.The Section Officer,
V.R.Section,
High Court, Madras.



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R.N.MANJULA,J.

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