

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.2200 of 2018 and
CMP.No.13879 of 2018

1.Revathi @ Magaboob
2.Nalini

..Petitioners

Vs.

V.Arunachalam

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the docket and order passed in EP.No.168 of 2017 in OS.No.223 of 2006 on the file of District Munsif Court, Salem dated 26.06.2018.

For Petitioners : No Appearance

For Respondent : Mr.N.Manokaran

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ORDER

This Civil Revision Petition is filed against the docket and order passed in EP.No.168 of 2017 in OS.No.223 of 2006 on the

file of District Munsif Court, Salem dated 26.06.2018, thereby allowed the execution petition.

2. The petitioners are the defendants and the respondent is the plaintiff. The respondent filed suit for recovery of money towards arrears with interest at the rate of 24% per annum. After receipt of summons, the petitioners were absent before the trial court. They were set exparte and exparte judgment and decree was passed on 06.01.2010. In pursuant to the judgment and decree, the respondent filed execution petition. In that execution petition also the petitioners received summons and failed to appear before the execution court. Therefore, they were set exparte and the execution court allowed the execution petition and thereby ordered for attachment of salary of the second petitioner herein. Aggrieved by the same, the present civil revision petition has been filed.

3. While admitting the civil revision petition, this Court granted interim stay of the order passed by the execution court on condition that the petitioners shall deposit a sum of Rs.31,000/- on or before 28.09.2018. When the matter was listed on 17.07.2020, no one appeared on behalf of the petitioners and also represented by the respondent that the petitioners did not comply the conditional order

imposed by this Court. Therefore, this Court vacated the interim order and directed the execution court to proceed further in the execution petition. Even today, there is no representation on behalf of the petitioners. That apart, on perusal of the order passed by the court below, the petitioners did not even choose to file any petition to set aside the exparte order passed in the execution petition and directly approached this Court challenging the order passed in the execution petition. The petitioners also did not take any step to file any petition to set aside the exparte judgment and decree. Therefore, the execution court rightly ordered attachment of salary in pursuant to the decree dated 06.01.2010. As such this Court finds no illegality or infirmity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

30.04.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok

G.K.ILANTHIRAIYAN,J.

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To

The District Munsif Court,
Salem



CRP.NPD.No.2200 of 2018

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