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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

C.R.P. (NPD) .No.1557 of 2017
and
CMP.No.7227 of 2017

M.Sumathi

...Petitioner

Versus

1. M/s.Dhanalakshmi Srinivasan Chit Funds (P) Ltd.,
AVR Tower, No.4, Bharathi Road,
Cuddalore.
Represented by its Manager.

2. M.Savithiri

3. K.Chidambaram

...Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 24.02.2017 passed in E.A.No.34 of 2016 in E.P.No.241 of 2014 in A.R.C.No.250 of 2014 on the file of the I Additional Subordinate Court, Cuddalore, by allowing this Civil Revision Petition.

For Petitioner : No Appearance

For R1 : Mr.Y.Jyothish Chander

For R2 & R3 : Notice served

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order dated 24.02.2017 passed in E.A.No.34 of 2016 in E.P.No.241 of 2014 in A.R.C.No.250 of 2014 on the file of the I Additional Subordinate Court, Cuddalore, by allowing this Civil Revision Petition.

2.The petitioner herein is one of the judgment debtors in E.P.No.241 of 2014 on the file of the I Additional Subordinate Court, Cuddalore, which has been filed by the 1st respondent/decretal holder, for recovery of the decretal amount by way of attachment of the salaries of the judgment debtors.

3.During the pendency of the execution petition, an



application in E.A.No.34 of 2016 was moved by the revision petitioner herein, seeking to raise attachment of salaries ordered against the respondents 2 and 3 herein who are also judgment debtors along with the revision petitioners, on the ground that they are only sureties for the amount received by the revision petitioner herein and that the revision petitioner under took to pay Rs.5,000/- per month till the realization of the decretal amount. However, the Executing Court, by order dated 24.02.2017, dismissed the EA on considering the plea made by the decree holder that it will take longer time if the revision petitioner is permitted to pay Rs.5,000/- per month. Aggrieved by the same, the revision petitioner has come up before this Court.

4. When this revision petition is taken up on file, there is no representation on behalf of the petitioner. The learned counsel appearing for the respondents would point out that the Executing Court passed the order dismissing the E.A. as early as 2017, against which, the present revision petition has been filed, which has been successfully dragged on for the last four years by allowing it to be dismissed for non-prosecution and again got it restored. The learned counsel for the respondent would submit that if the revision petitioner had paid Rs.5,000/- per month, the entire decretal amount would have been recovered by this time. But, she has not paid any amount.

5. On perusal of records, the revision petitioner has successfully dragged on the matter for the last four years and frustrated the execution proceedings and even when the matter is called, there is no representation on behalf of the petitioner. It shows that the petitioner is not interested to prosecute the petition. In fact, there is no impediment for the Executing Court to recover the amount by way of attachment of salaries, which was already ordered by it, and since this Court does not find any merit to entertain the revision petition, the same is dismissed as devoid of merits.

6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gbi



To

The I Additional Subordinate Judge,
Cuddalore.

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+1cc to M/s.Y.Jyothish Chander, Advocate, S.R.No.60143

C.R.P. (PD) No.1557 of 2017

NK (CO)

RGA (11/01/2022)