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C.R.P. (PD) No.2417 of 2022
and C.M.P.No.12527 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2417 of 2022
and C.M.P.No.12527 of 2022

1.Prakash

2.Karunanidhi

...

Petitioners

versus

1.Selvapriya Chit Funds Private Limited,
No.29, S.P.T., Mani Nagar,
Gandhi Nagar Post,
Neyveli, Cuddalore District.
Rep. by its Foreman, Tamilmani.

2.Kandavel

3.Mathialagan

4.Ravichandran

Panneer (died)

5.Mullaivendan

6.Murugan

7.Victor

...

Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 01.04.2022 made in E.P.No.9 of 2021 in A.R.No.159 of 2019 on the file of the learned III Additional District and Sessions Judge, Virudhachalam, Cuddalore District.

For Petitioners

: Mr.M.Senthilkumar

ORDER



This Civil Revision Petition has been preferred challenging the order of the learned III Additional District and Sessions Judge, Virudhachalam, Cuddalore District, dated 01.04.2022 made in E.P.No.9 of 2021 in A.R.No.159 of 2019.

2. The revision petitioners are the judgment debtors 2 and 3 in the execution proceedings; the first respondent / decree holder filed the execution petition to attach the salary of the respondents 1 to 5 and 7 to 9 and the said petition was considered favourably and the attachment of salary of the above respondents had been ordered. Aggrieved over that, the judgment debtors 2 and 3 in the execution proceedings have filed the present Civil Revision Petition.

3. The learned counsel for the revision petitioners submitted that the decree amount will be settled if reasonable time is given and hence the attachment of salary may be removed.

4. The records would show that the award has been passed as early as on 27.01.2020; since the award amount was not stayed by any



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Court the execution proceedings cannot be prevented; if at all the judgment debtors wishes to settle the decree amount out of Court it is up to them to work out any settlement and report it to the Court in order to get any modified order. Since the decree is valid and there is no stay also passed to stop the operation of the decree, the learned Executing Judge is right in passing the order of attachment. Hence, I do not find any ground for interference.

5. Accordingly, this Civil Revision Petition is dismissed and the order dated 01.04.2022 passed by the learned III Additional District and Sessions Judge, Virudhachalam, Cuddalore District in E.P.No.9 of 2021 in A.R.No.159 of 2019 is hereby confirmed. Consequently connected Miscellaneous Petition is closed. No costs.

01.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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R.N.MANJULA, J.

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To

The III Additional District and Sessions Judge,
Virudhachalam, Cuddalore District.

C.R.P. (PD) No.2417 of 2022
and C.M.P.No.12527 of 2022

01.08.2022

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