



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1617 of 2012

1.J.Sivakumar
2.J.Babu

... Petitioners/
Respondents/
Defendants/
Judgment Debtors

Vs.

S.Kumaravel

... Respondent/
Petitioner/
Plaintiffs/
Decree Holder

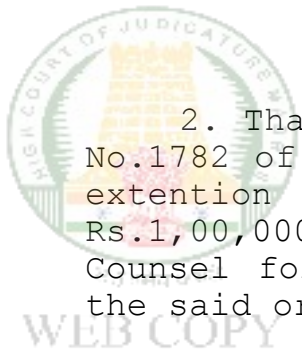
PRAYER : Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure as against the fair order and decreetal order, dated 11.07.2012 passed in E.P.No.110 of 2009 in O.S.No.136 of 2007 on the file of the I Additional Sub Court, Nagercoil.

For Petitioners : No appearance

For Respondent : Mr.R.T.Arivukumar
for Mr.R.Manimaran

ORDER

The present revision petition has been filed by the judgment debtor, challenging the allowing of execution proceedings, in which civil arrest was ordered as against the judgment debtor. The plaintiff has obtained the decree for recovery of money on 06.08.2009. The said decree was put to execution in E.P.No.110 of 2009 seeking for civil arrest of the judgment debtor. After giving due opportunity to the judgment debtor in E.P.No.110 of 2009 was allowed on 11.07.2012, under which the civil arrest was ordered. The said order is under the challenge in the present revision petition. Originally, an order of interim stay was granted by this Court in M.P(MD)No.1 of 2012. However, the said Petition was closed on 01.12.2020.



2. That apart, the judgment debtor has chosen to file C.R.P(MD) No.1782 of 2010 in which orders were passed on 12.01.2011, granting extension of time to the judgment debtor to deposit a sum of Rs.1,00,000/- on or before 22.01.2011. According to the learned Counsel for the decree holder/respondent in the revision petition, the said order has also not been complied with.

3. The learned Counsel for the revision petitioner/judgment debtor has filed a Memo on 06.04.2022 reporting "No instructions". Today, the matter is listed after printing the name of the revision petitioner. Even today, there is no representation on the side of the revision petitioner either in person or through a Counsel.

4. Admittedly, the revision petitioner has suffered a money decree and an order of civil arrest has been passed. This Court has already vacated the interim orders in the revision on 01.12.2020. The judgment debtor has also not complied with the orders passed by this Court in C.R.P(MD)No.1782 of 2010 and the revision petitioner has chosen to keep himself away from the Court. I do not find any merits on this case. This revision petition stands dismissed. No costs.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The I Additional Sub Judge,
Nagercoil,Kanyakumari District.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,Madurai.

+1 CC to M/s.R. MANIMARAN, Advocate (SR-17723[F] dated 11/04/2022)
C.R.P(MD)No.1617 of 2012

08.04.2022

MGJ(12.05.2022) 2P 5C

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