



C.R.P.No.4464 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM

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

C.R.P.No. 4464 of 2017

and

C.M.P.No.21061 of 2017

E.Rajendran

....

Petitioner

Vs

1. M/s.Shriram Chits Tamil Nadu Pvt Ltd.,
Represented by its Legal Manager
S.Dandapani
Having Branch Office at Perambur
No.67, M.H.Road, First Floor,
Perambur, Chennai – 600 011.

2. J.Gopi

3. Muruganandam

....

Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of Code of Civil Procedure to set aside the fair and decreetal order passed in E.P.No.111 of 2016 in A.R.C.No.214 of 2014 dated 10.10.2017 passed by the learned IX Assistant Judge, City Civil Court, Chennai, thereby allowing the above civil revision petition.

For Petitioner : Mr.A.Sheik Peer

For R1 & R2 : No appearance



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ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 10.10.2017 passed in E.P.No.111 of 2016 in A.R.C.No.214 of 2014 on the file of the IX Assistant Judge, City Civil Court, Chennai.

2. The learned counsel appearing for the petitioner would submit that pending Civil Revision Petition, the entire decree amount has been realised by attaching the salary of the Judgement Debtors 2 and 3, who were being the guarantors. He further submitted that the excess to the decree amount, their salary have been attached and it is lying in the account of the Execution Court. Therefore, nothing survives for further adjudication in this Civil Revision Petition.

3. Accordingly, this Civil Revision Petition stands dismissed. The petitioner is at liberty to file an appropriate application before the Execution Court to withdraw the excess amount attached from their salary, if any. On such application, the Execution Court is directed to dispose of the same on merits and in accordance with law. Consequently,



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connected miscellaneous petition is closed. No costs.

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01.03.2023

Index: Yes/No
Internet: Yes/No
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To
The IX Assistant Judge,
City Civil Court, Chennai.

G.K.ILANTHIRAIYAN, J.



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