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C.R.P(MD)No.1432



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1432 of 2023

and

C.M.P.(MD)No.7149 of 2023

1.Karuppasamy Velmayil
2.Kannan Karuppasamy

...Petitioners

Vs.

HDFC Bank Limited,
Chennai through its
Power Agent of N.Maharajan,
No.110, Jeepras Building,
Amainthakarai,
Chennai – 600 029.

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decreetal order passed in E.P.No.164 of 2020 in A.R.C.No.1739 2017 dated 03.08.2022 on the file of the learned Principal Sub Judge, Tirunelveli.

For Petitioners	: Mr.S.Kumar
For 1 st Respondent	: Mr.A.Anbakkan

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the order passed in E.P.No.164 of 2020 in A.R.C.No.1739 2017 dated 03.08.2022 on the file of the learned Principal Sub Judge, Tirunelveli.



2.The only grounds on which the present civil revision petition, has been filed are reads as under:-

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“2.The Courts below has failed to frame proper points in this case.

3.The Courts below failed to apply proper principles of law applicable to the present fact of the case.

4.The Courts below failed to understand and appreciate the case of the appellant.

5.The Executing Court ought to have held that the respondent herein to prove that the movable properties mentioned in the petition belongs to the appellants, hence, the respondent is not entitled to the order of attachment.

6.The Executing Court ought to have held that non-production of documents by the respondent to prove ownership of the appellants on the movable properties sought to be attached is fatal to the case of the respondent.

7.The Executing Court ought not to have held that statement made in proof affidavit of RW1 that, he is residing in petition schedule property would not sufficient to hold that all movable properties belongs to appellant by assumption and presumption.

8.The Executing Court without any proof passed an order of attachment which is against law.”

3.The petitioner has no other grounds to persuade this Court to interfere with the order passed as early as on 03.08.2022 in E.P.No.164 of 2020.

4.The intention of the petitioner appears to be is only to delay the



proceedings. There is no merits to challenge the impugned order.

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5. In view of the above, the civil revision petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

23.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Mrn

To

1. The Principal Sub Judge, Tirunelveli.

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



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C.SARAVANAN,J.

Mrn

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