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C.R.P.NPD.Nos.1819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.NPD.No.1819 of 2022

R.Devarajan

... Petitioner

Vs.

M.Gnanasekaran

... Respondent

PRAYER: Revision filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order passed by the learned II Additional Sub Court at Coimbatore in E.P.No.368 of 2017 in O.S.No.1771 of 2010 dated 31.03.2022.

For Petitioner : Mr.M.Raja Sekhar

For Respondent : Mr.N.Selvarajan

ORDER

This revision petition arises against the order passed in E.P.No.368 of 2017 in O.S.No.1771 of 2010 on the file of the II Additional Subordinate Judge, Coimbatore.



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2. The judgment debtor is before me against the civil decree for recovery of a sum of Rs.7,50,000/- together with interest passed on 27.09.2016. Having given sufficient time, the respondent decree holder moved an Execution Petition in E.P.No.368 of 2017 on 27.03.2017. The Court had ordered arrest and despite the same, the judgment debtor did not honour the decree. Being left with no other option, the Court had finally passed an order of arrest. At that stage, the respondent moved an application in E.A.No.4 of 2022 to condone the delay in filing the application to set aside the exparte order passed in E.P.No.368 of 2017.

3. Today I have dismissed the C.R.P.No.1820 of 2022 preferred against the said condonation application. Mr.Rajasekar, learned counsel would plead that his client has no means and is unable to pay the decree debt. No means cannot be taken as an oral plea. It requires atleast a petition before the appropriate court pleading that the petitioner is not possessed of sufficient funds. No steps in that regard having been taken by the judgment debtor, it cannot be raised as a fresh ground in the civil revision petition. Sufficient opportunity had been granted from the year 2016 till the order of arrest was passed on 31.03.2022. No evidence to that effect had been let in by the petitioner. I am unable to come to the



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rescue of the civil revision petitioner against the order of arrest and
consequently, the civil revision petition is dismissed. No costs.

02.04.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No
Sgl

To

The II Additional Sub Court,
Coimbatore.



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V.LAKSHMINARAYANAN, J.

Sgl

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