



C.R.P.(MD)No.371 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.371 of 2024
and C.M.P.(MD).No.1729 of 2024

M/s.Niss Internet Services Pvt. Limited,
Represented by its Director,
No.132, Tiruchendur Road, Palayamkottai,
Tirunelveli 627 002. ... Petitioner/Petitioner/Third party

Vs.

1.M/s.Ready Link Internet Services Limited,
Represented by its
Managing Director,
No.7 Sakthi Colony,
Galaxy, Ganapathy, Coimbatore 641 006.
... 1st Respondent/1st Respondent
/Petitioner/Decree Holder

2.M/s.Niss Network Solutions Pvt. Limited,
Represented by its Chairman and Managing Director,
No.132, North Bazaar,
Palayamkottai, Tirunelveli 627 002.
... 2nd Respondent/2nd Respondent
/Respondent/Judgment Debtor

PRAYER : Civil Revision Petition is filed under Article 227 of
Constitution of India, to set aside the rejection order dated 05.02.2024
and directing the Principal Sub Court, Tirunelveli, to take on file and



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number the execution application E.A.No. ... of 2024 in E.P.No.68 of 2020 in O.S.No.831 of 2015 on the file of the Principal Sub Court, Tirunelveli, within stipulated time fixed by this Court.

For Petitioner : Mr.S.Meenakshi Sundaram,
Senior Counsel for
Mr.R.T.Arivukumar

ORDER

This civil revision petition has been filed to set aside the rejection order dated 05.02.2024 and directing the Principal Sub Court, Tirunelveli, to take on file and number the execution application E.A.No. ... of 2024 in E.P.No.68 of 2020 in O.S.No.831 of 2015 on the file of the Principal Sub Court, Tirunelveli, within stipulated time fixed by this Court.

2.Aggrieved over the non entertainment of the petition filed by the petitioner to recall the attachment warrant, this civil revision petition has been filed.

3.The learned senior counsel for the petitioner would submit that the petitioner is not a party to the litigation between the parties. After



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decreeing the suit in the execution proceedings attachment was made.

When the amin went to the attach the property, this petitioner was in possession. On that ground the amin returned the warrant. But however, the decree holder submitted before the Court that the Judgment Debtor company amalgamated with the petitioner's company. On that ground attachment warrant was reissued.

4.To recall the above said warrant, he filed the petition. But that was not entertained. But, simply returned stating that the property was not yet attached. But, entertaining the petition on Administrative side is not proper. On that sole ground without entering into the merits of the matter, the above said order of return dated 05.02.2024 in unnumbered E.A.No... of 2024 in E.P.No.68 of 2020 on the file of the Principal Sub Court, Tirunelveli, is hereby set aside. The petitioner is permitted to represent the above said petition before the trial Court and the same shall be decided by the trial Court on its judicial side on merits by taking into consideration of Judgement reported in 2012 (4) MLJ 353. Let the original petition be returned to the petitioner under proper acknowledgment for representation.



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5. With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

Note: Issue Order copy on 15.02.2024

To

1. The Principal Sub Judge, Tirunelveli.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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