



C.R.P. (MD) No. 886 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

C.R.P. (MD) No. 886 of 2024

and

C.M.P.(MD) No. 4907 of 2024

R.Vinayagamurthy

... Petitioner

-VS-

1.Sri.Adikshakti Trading Co.,
APMC Yard, Ranebenuur,
A Proprietary Concern,
Rep. by its Proprietor,
Somappa

2.The Managing Director / Chairperson,
Valliammai Spinning Mills (P) Ltd.,
Jayaruba Khandrum Street,
Sankarankovil Road, Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., praying to set aside the fair and decreetal order dated 27.11.2023 made in E.P.No.23 of 2019 in O.S.No.180 of 2018 on the file of the Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District and allow this Civil Revision Petition.



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For Petitioner : Mr. S.Sadeshkumar

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ORDER

This Civil Revision Petition arises out of the order dated 27.11.2023 passed in E.P.No. 23 of 2019 on the file of the Additional District and Sessions Court, Srivilliputhur, Virudhunagar District (hereinafter referred to as 'the Execution Court' for the sake of clarity and convenience) in execution of the decree dated 04.09.2018 passed in O.S. No. 180 of 2018 by the Court of the 2nd Additional Senior Civil Judge at Ranebennur, Karnataka (hereinafter referred to as 'the Trial Court' for the sake of clarity and convenience).

2. It is borne out from the record that the Trial Court had passed the judgment and decree dated 04.09.2018 in the suit in O.S. No. 180 of 2018, which had been transmitted for execution to the Execution Court where the personal property of the Petitioner, viz., R.Vinayagamurthy has been attached.

3. It is the case of the Petitioner that he has not received any notice from the Trial Court during the pendency of the suit and his personal property is sought to be attached for the liability of Valliammai Spinnning Mills (P) Ltd. As the



Executing Court overruled his objections by the impugned order dated 27.11.2023, the Petitioner has challenged it in this Civil Revision Petition.

4. In response to the query raised by this Court as to whether the Petitioner has taken any steps to set aside the decree passed by the Trial Court at Karnataka, Learned Counsel for the Petitioner answers in the negative and there are no material to show that any measures have been taken for setting aside the decree passed by the Trial Court. It is also evident on a reading of the judgment of the Trial Court that the decree has been passed jointly and severally against the Petitioner, viz., R.Vinayagamurthy as Proprietor of Valliammal Spinning Mills (P) Ltd in addition to the Managing Director / Chairman of Valliammal Spinning Mills (P) Ltd.,

5. As it is settled position of law that the Executing Court cannot go behind the decree, there does not appear to be any infirmity in the impugned order of attachment of the personal property of the Petitioner by the Execution Court requiring interference of this Court in the exercise of its revisional jurisdiction under Section 115 of the Code of Civil Procedure, 1908.



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In the result, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No

Internet : Yes/No

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To

1.The Additional District and Sessions Judge,

Srivilliputhur, Virudhunagar District.

2.The Section Officer,

Vernacular Records Section,

Madurai Bench of Madras High Court,

Madurai.



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P.D. AUDIKESAVALU, J.

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