



C.RP(MD)No.1719 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1719 of 2024

and

C.M.P(MD)No.9968 of 2024

T.Soosai Antony Livingstorn

... Petitioner/Respondent/
Defendant

Vs.

1.V.Shanmuga Sundaram

...Respondent/Petitioner/
Plaintiff

2.The Assistant Educational Officer,
Alwarthirunagari Panchayat Union,
Thoothukudi District.

...Respondent/Garnishee

Civil Revision Petitions are filed under Section 115 of the Code of Civil Procedure, to set aside docket order dated 12.02.2024 in E.P.No.214 of 2022 in O.S.No.144 of 2021 on the file of the Sub-Court, Thoothukudi.

For Petitioner :Mr.V.Panneer Selvam



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ORDER

The present civil revision petition is filed to set aside the order, dated 12.02.2024 passed in EP.No.214 of 2022 in OS.No. 144 of 2021.

2.It can be seen that in the above suit in OS.No.144 of 2021 an ex-parte decree was passed. The decree is for recovery of money. Therefore, the present execution petition is filed and by order dated 12.02.2024, a garnishee order is passed attaching the salary of the petitioner.

3.It is the case of the petitioner that he has already filed I.A.No.1 of 2023 in OS.No.144 of 2021 for setting aside the ex-parte decree along with a prayer to condone the delay of 198 days in setting aside the ex-parte decree.



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4. So long as the decree is in force, the execution cannot be stalled and no exception whatsoever can be taken for the order dated 12.02.2024. But however, since the petitioner submits that he has already filed an application for condonation of delay in setting aside the ex-parte decree, the Civil revision petition is disposed of only by directing the learned Subordinate Judge, Thoothukudi, to take up the I.A.No.1 of 2023 in OS.No.144 of 2021 for expeditious disposal and dispose of the same in accordance with the law, in any event, not later than two months from the date of receipt of a copy of the order.

5. In view thereof, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.07.2024

NCC:Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

Ns

To
The Sub-Court,
Thoothukudi.

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and
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