



C.R.P(MD)No.2225 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2225 of 2018

Ramesh Kumar

... Petitioner

Vs.

1.The Commissioner,
Municipal Office,
Bodinayakanur,
Theni District.

2.V.Suresh Babu

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order, dated 03.07.2018 passed in E.A.No.121 of 2015 in E.P.No.94 of 2001 in O.S.No.71 of 1998 on the file of the Sub-Court, Palani.

For Petitioner : Mr.M.P.Senthil

For R-1 : Mr.K.Hemakarthiskeyan

R-2 : Died



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ORDER

The present revision petition has been filed by the decree holder in a money suit in O.S.No.71 of 1998 on the file of the Sub Court, Palani, challenging an order in E.A.No.121 of 2015, wherein the request of the decree holder for attachment of salary of the judgment debtor was rejected.

2. According to the learned Counsel appearing for the revision petitioner, the judgment debtor was working as a Revenue Assistant in the first respondent Municipality. A money decree was passed as against him on 21.09.2000. The decree holder has filed E.P.No.94 of 2001 for attaching the salary of the judgment debtor. The order was also duly complied with by the employer / garnishee, who is the Commissioner of Municipal Office, Bodinayakanur. The salary was deducted till December 2011. Thereafter, the judgment debtor was transferred from Bodinayakanur to Chinnamanur by an order, dated 06.01.2012. Since the decree holder has not taken any steps to intimate the order of attachment



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of salary to Chinnamanur Municipality, Chinnamanur Municipality has not continued with the order of attachment of salary. In the meantime, the judgment debtor had died while he is in service on 17.08.2023. The Executing Court had dismissed the application for a direction to the Bodinayakanur Municipality to continue to attach the salary of the judgment debtor.

3. Since the judgment debtor had died, the question of attaching his salary does not arise. It is for the decree holder to work out his remedy in a manner known to law.

4. With the said liberty, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

08.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

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To

- 1.The Sub-Court,
Palani.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.2225 of 2018

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