



C.R.P.(MD)No.3101 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.3101 of 2023

M/s.Mahajothi Financiers,
A Partnership Firm,
Rep. by its Managing Partner,
R.Janakaraj,
SOS Pushpagoss Complex,
Thiru Vi Ka Road, Karur Taluk. ... Petitioner/Decree Holder/

Vs.

1.A.Victor Jayaraj (Retd. Teacher),
... Respondent/Judgment Debtor

2.District Education Officer,
Kulithalai Taluk,
Karur District.

3.The Chief Educational Officer,
District Collector Campus,
Karur Taluk & District. ... Respondents/Garnishee

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 28.08.2023 made in E.P.No.85 of 2022 in O.S.No.447 of 2020 on the file of the Principal Subordinate Judge, Karur.



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For Petitioner : Mr.K.Prabhakar

For Respondents : Mr.J.Ashok for R2 and R3
Additional Government Pleader

ORDER

This revision petition has been filed to set aside the fair and decreetal order dated 28.08.2023 made in E.P.No.85 of 2022 in O.S.No. 447 of 2020 on the file of the Principal Subordinate Judge, Karur.

2.Suit in O.S.No.447 of 2020 was filed by the revision petitioner herein seeking relief of recovery of Rs.3,51,660/- with interest, permanent injunction, etc. The defendant entered appearance. After that suit was decreed as prayed for by the Judgement and decree dated 17.06.2022. To execute the decree and Judgment E.P.No.85 of 2022 was filed by the decree holder. That was resisted by the respondent. After hearing both sides, the petition was dismissed by the Execution Court. Against which this revision is preferred.

3.The learned counsel for the petitioner would submit that Order was passed by the trial Court to implead the Garnishee of the Judgment Debtor namely Victor Jayaraj. Garnishee also appeared before the



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executing Court. After hearing both sides, executing Court is of the view that the judgment debtor is already retired from service and the benefits have been paid. So far leave salary is concerned only, they have been impleaded. The learned Additional Government Pleader fairly admits that the leave salary of the Judgment debtor lies at the hands of the second respondent herein.

4.The matter is remitted back to the executing Court to dispose the matter in accordance with the law by taking into account the above said submissions of the learned Additional Government Pleader.

5.With the above said directions, this civil revision petition stands disposed of. No costs.

19.03.2024

Index : Yes / No
Internet : Yes / No
TM

To

1.The Principal Subordinate Judge, Karur.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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