



CRP(MD).No.48 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

CRP(MD).No. 48 of 2024 and
CMP(MD).No.272 of 2024

Manickam

Petitioner

Vs.

**1.R.Periyasamy
2.P.Meenakumari
3.Headmaster,
Government Higher Secondary School,
Sambavar Taluk,
Kadayanallur Taluk,
Tenkasi District.**

Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India to call for the records relating to the order, dated 21.07.2023 in E.P.No.14 of 2022 in O.S.No.4 of 2007 on the file of the Principal District Judge, Thirunelveli and set aside the same.

For Petitioner : Mr.A. Sivasubramanian

For respondents 1 and 2 : Mr.S.Sankar

ORDER

This Civil Revision Petition has been filed against the fair



CRP(MD).No.48 of 2024

and decreetal order, dated 21.07.2023 made in E.P.No.14 of 2022 in O.S.No.4 of 2007 on the file of the Principal District Judge, Thirunelveli and set aside the same.

2. The suit in O.S.No.4 of 2007 was decreed in favour of the plaintiff directing the revision petitioner herein to pay a sum of Rs.6,43,166/- to the 2nd plaintiff with future interest for the Principal sum of Rs.5,00,000/- and cost was also ordered to be paid. Against the Judgment and decree passed in the suit in O.S.No.4 of 2007, no appeal was preferred. Seeking execution of decree, the respondent herein filed E.P.No.14 of 2022 before the Principal District Judge, Thirunelveli. The revision petitioner also appeared. After hearing both sides, order was passed by the Executing Court attaching a sum of Rs.41,558/- from the monthly salary of the petitioner till the decree amount is satisfied. Attachment order was also effected. Against which the present revision is preferred.

3. Heard both sides and perused the materials available on record.



CRP(MD).No.48 of 2024

4. The learned counsel appearing for the revision petitioner submitted that from the month of October 2023 attachment is in force. A major portion of the salary is now under attachment. After deduction of attachment is getting only Rs.16,958/-.

5. The learned counsel appearing for the petitioner submitted that considering the above said fact that the salary attachment may be reduced. So that entire decree amount will be settled in 9 equal monthly installments. However, the learned counsel appearing for the respondent submitted that no reduction is required.

6. Considering the oldness of the decree and as well as the capacity of the petitioner attachment amount is reduced to Rs.35,000/- per month starting from the month of March 2024. Attachment shall in force still the entire decree amount is satisfied. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.02.2024

Internet : Yes / No

Index : Yes / No



CRP(MD).No.48 of 2024

Speaking / Non Speaking order
trp

WEB COPY
To

The Principal District Judge, Thirunelveli.



WEB COPY



CRP(MD).No.48 of 2024

G.ILANGOVA,J.

Trp

CRP(MD).No. 48 of 2024 and
CMP(MD).No.272 of 2024

14.02.2024