



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.1394 of 2025
and
C.M.P(MD)Nos.7201 & 7199 of 2025

Dr.Venkatesh Babu

...Petitioner/Respondent/Defendant/
Judgment Debtor

Vs

1.M/s.Modern Architectural Consultants,
Represented by their Managing Director,
Mr.K.Jeyapalan

2.M/s.Modern Engineering Construction,
Represented by their Managing director,
Mr.K.Jeyapalan

3.M/s.Modern Builders Company,
Represented by their Managing director,
Mr.K.Jeyapalan

....Respondents/Petitioner/Plaintiffs/
Decree Holder

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the order dated 02-01-2025 in E.P.No. 41 of 2022 in O.S.No.76 of 2014 on the file of Principal District Judge, Tirunelveli, and allow this civil revision with costs throughout.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.J.Senthilkumar

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ORDER

The present revision has been filed by the judgment debtor in O.S.No.76 of 2014, on the file of the Principal District Court, Tirunelveli, challenging the order of attachment passed in E.P.No.41 of 2022.

2.A perusal of the records reveal that the revision petitioner has suffered a money decree and the decree holder has filed the execution petition for arresting the revision petitioner.

3.The order of arrest has to be put to challenge in C.R.P.(MD)No.2709 of 2024, wherein this Court has permitted the revision petitioner to pay the decree amount in installment starting from 16.12.2024 at the rate of Rs.2,00,000/- per month. This Court has further directed the executing Court to attach the property until all the installments are paid.

4.The judgment debtor has not paid any amount from December 2024, as directed by this Court. Therefore, the executing Court has passed an order on 02.01.2025, ordering attachment of the property. This order is put to challenge in the present revision petition.



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5. According to the learned Counsel appearing for the revision petitioner, they are ready to deposit the entire installment due amount as on today. The order of attachment of the property would cause great prejudice to them and the petitioner is not in a position to raise money either from the Bank or from the private parties to clear the decree amount. Hence, she prayed for raising the order of attachment.

6. I have considered the submissions made on either side and perused the materials available on record.

7. The order of attachment has been passed by the trial Court is based upon the order passed in C.R.P.(MD)No.2709 of 2024, dated 28.10.2024. Therefore, the executing Court cannot be found fault with for ordering attachment of the property of the revision petitioner.

8. The learned Counsel appearing for the revision petitioner, on instructions, has submitted that his client would directly pay a sum of **Rs.10,00,000/-(Rupees Ten Lakhs only)** to the decree holder tomorrow(29.04.2025). On such payment, the petitioner would be entitled to seek clarification or review of the order passed in C.R.P.(MD)No.2709 of 2024.



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9. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

28.04.2025

Internet: Yes/No
Index: Yes/No
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R.VIJAYAKUMAR, J.

RJR

To

The learned Principal District Judge,
Tirunelveli.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(NPD)(MD)No.1394 of 2025

28.04.2025