



C.R.P.(MD) No.3169 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(MD) No.3169 of 2024

and

C.M.P.(MD) No.18255 of 2024

A.Alamelu Ammal,
Proprietor,
Sundararaman Bus Services,
1/98, North Street, North Poigainallur,
Nagapattinam District.

... Petitioner/Respondent

Vs.

K.Aniruthan

... Respondent/Petitioner

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the fair order dated 10.07.2024 passed in E.A.No.5 of 2020 in E.P.No.3 of 2019 in C.P.No.27 of 2010 in I.D.No.181 of 2005 on the file of the Labour Court, Kumbakonam.

For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.M.Ashok Kumar



C.R.P.(MD) No.3169 of 2024

WEB COPY

ORDER

This Civil Revision Petition is directed against an order dated 10.07.2024 passed in E.A.No.5 of 2020 in E.P.No.3 of 2019 in C.P.No.27 of 2010 in I.D.No.181 of 2005, whereby the learned Labour Court, Kumbakonam, allowed the amendment of the Execution Petition by adding the bus number, i.e., TN 51 AB 1144 proposing to attach the said bus alleging that the said bus belonging to the petitioner-judgment debtor.

2. The said amendment application was opposed by the petitioner on the ground that the said bus does not belong to the petitioner and the same was sold in the year 2011 to one C.Jayapriya.

3. The learned Labour Court having taken note of the said contention, observed that the ownership of the said bus was transferred to the family member of the petitioner herein during the pendency of the proceedings and therefore, the said transfer may not affect the Execution Proceedings. Even assuming that the said bus does not belong to the



C.R.P.(MD) No.3169 of 2024

WEB COPY

petitioner, the same cannot be a ground to deny the amendment of the Execution Petition. Even if the amendment is not allowed also, the respondent herein is at liberty to file a fresh Execution Petition duly indicating the bus number. The respondent herein instead of filing a fresh Execution Petition, sought the indulgence of the learned Labour Court to amend the description of property in pending E.P.No.1 of 2019 by filing the Execution Application in the year 2020. The same was allowed by the learned Labour Court.

4. If the said bus really does not belong to the petitioner, it is always open to the petitioner to file additional counter affidavit and oppose the execution. But under no circumstances, the petitioner complain against the amendment allowed by the learned Labour Court under the order under revision. In these circumstances, this Court does not find any error or illegality in the order under revision, nor find any ground to interfere with the said order while exercising its superintendnet jurisdiction under Article 226 of the Constitution of India.



C.R.P.(MD) No.3169 of 2024

WEB COPY

5. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

The Labour Court (Additional District & Sessions Judge,
Fast Track Court), Kumbakonam.



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C.R.P.(MD) No.3169 of 2024

MUMMINENI SUDHEER KUMAR, J.

ABR

C.R.P.(MD) No.3169 of 2024

19.03.2025