



WEB COPY

CRP No. 1027 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP NO. 1027 OF 2025

AND

CMP No. 7285 of 2026 & CMP NO. 5945 OF 2025

1. P.Jeeva
W/o. Late Pal Patricks,
No.23, Duraisamy Mudaliar Street, Kundrathur,
Chennai - 600069. Alternative Address,
P.Jeeva, Gr D Office of Chief General
Manager, BSNL Telecommunication (New
Building), 16, Greams Road, Chennai – 6.
2. J.Princee
W/O. Jawhar,
No. 33/12, Pillaiyar Kovil Street, Nesabakkam,
K.K.Nagar, Chennai - 600010.

..Petitioner(s)

Vs

M.Samundeswari
W/o. P.Mahalingam,
No.H-3, Telephone Staff Quarters, Taylors Road,
Kilpauk, Chennai - 600010.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art.227 of Constitution of India, praying to call for the records and quash the proceedings of EP No.1515 of 2024 in OS No.2650 of 2017 pending before the IX Assistant City Civil Court at Chennai and allow this CRP.

For Appellant(s): Mr.K.Bala Chandar

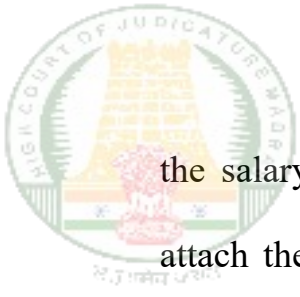
For Respondent(s): Mr.R.Anbu

**ORDER**

Challenging the impugned attachment order passed in E.P.No.1515 of 2024 in O.S.No.2650 of 2017 by the learned IX Assistant Judge, City Civil Court, Chennai, the Revision Petitioner/Judgment Debtors preferred this Civil Revision Petition.

2. The learned counsel for Revision Petitioners/Judgment Debtors would submit that by fabricating the records, the respondent/plaintiff had come forward with the suit and she is withholding the original documents of property belonged to the revision petitioners/judgment debtors. He would submit that still they are having valid defence to prove their case, but without serving proper notice, they were remained exparte and they are ready to contest both the Execution Petition as well as the suit. He would further submit that the attachment order passed against the Garnishee also as such is not maintainable. Therefore, they prayed to set aside the findings of trial judge.

3. On perusal of records, the notice was served only on the Garnishee and not to the revision petitioners/judgment debtors. Since they are having valid defence to prove their case, suitable opportunity is to be given to them. Furthermore, before the first execution proceedings, though they appeared, they remained exparte. Therefore, the second Execution Petition was filed to attach



the salary in the hands of Garnishee. So, the executing court has ordered to attach the salary. But, on seeing entire facts, it is only an exparte decree and based on which, the execution proceedings are initiated. However, as on date, according to the revision petitioners, the original documents are in the hands of respondent/decreed holder. The Revision Petitioners are having valid defence to prove their case and so, suitable opportunity is to be given to them.

4. Considering that, this Court is inclined to set aside the attachment order passed in E.P.No. 1515 of 2024 in O.S.No.2650 of 2017 by the IX Assistant Judge, City Civil Court, Chennai. By giving opportunity to the revision petitioners, the Executing Court is directed to proceed with the matter. Furthermore, on seeing the facts, it reveals that all these years i.e. from the year of 2017, the suit is pending before the trial court and the revision petitioners/defendants have not properly contested the suit. So, liberty is granted to the revision petitioners/defendants to challenge the findings of the decree before the trial court in the manner known to law. The revision petitioners are also directed to deposit a sum of Rs.50,000/- before the Executing Court in E.P.No.1515 of 2024 within a period of three weeks from the date of receipt of copy of this order. On such deposit, the Executing Court is directed to proceed with the matter and dispose the case. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected civil miscellaneous petitions are closed.

27-03-2026



Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RPP

To

The IX Assistant Judge, City Civil Court, Chennai.



WEB COPY

CRP No. 1027 of 2



T.V.THAMILSELVI J.

RPP

**CRP NO. 1027 OF 2025
AND
CMP No. 7285 of 2026 &
CMP NO. 5945 OF 2025**

27-03-2026