

**Purushothaman. Vs. Ranganathan**

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**SooperKanoon Citation :** [sooperkanoon.com/927095](http://sooperkanoon.com/927095)

**Court :** Chennai

**Decided On :** Apr-18-2012

**Judge :** G.Rajasuria, J.

**Acts :** Tamil Nadu Protection of Interest of Depositors Act.

**Appeal No. :** C.R.P.(NPD).No.1462 of 2012 and M.P.No.1 of 2012

**Appellant :** Purushothaman

**Respondent :** Ranganathan

**Advocate for Pet/Ap. :** Mr.R.Gururaj, Adv.

**Judgement :**

Civil revision petition preferred against the order dated 7.12.2011 passed by the Additional Subordinate Judge, Cuddalore, in E.P.No.93 of 2009 in O.S.No.20 of 2006.

## **ORDER**

1. Inveighing the order dated 7.12.2011 passed by the Additional Subordinate Judge, Cuddalore, in E.P.No.93 of 2009 in O.S.No.20 of 2006, this civil revision petition is focused.

2. Heard the learned counsel for the revision petitioner.

3. A brief recounting of the germane facts would run thus:

E.P.No.93 of 2009 in O.S.No.20 of 2006 was filed by the respondent/plaintiff/decreed holder in O.S.No.20 of 2006 for attaching the property of the revision petitioner/judgement debtor herein. However, the revision petitioner/judgement debtor filed counter resisting the E.P.on the main ground that already under the special enactment, namely, Tamil Nadu Protection of Interest of Depositors Act, attachment was effected and in such a case, the property cannot be attached by the civil Court. However, the Executing Court, after hearing both sides, held that absolutely there was no bar for attaching the property under this E.P.

4. I would like to hark back to the proposition that a property can be attached for the second time also under a different decree and there is no embargo in that aspect. As such, I could see no perversity or illegality in the order passed by the Executing Court.

5. In the result, this civil revision petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is dismissed.

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