

Jagadeesan and ors. Vs. Jayapriya Chit Funds (P) Limited.

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Court : Chennai

Decided On : Jun-04-2012

Judge : G.Rajasuria, J.

Acts : [Code of Civil Procedure,\(CPC\) 1908](#) - Section 115,

Appeal No. : C.R.P.(NPD) No.1983 of 2012 and M.P.No.1 of 2012

Appellant : Jagadeesan and ors.

Respondent : Jayapriya Chit Funds (P) Limited.

Advocate for Pet/Ap. : Mr.P.Mani, Adv.

Judgement :

This civil revision petition is preferred under Section 115 of the Civil Procedure Code as against the order of attachment of salary dated 24.02.2012 passed by the learned District Munsif cum Judicial Magistrate, Neyveli in E.P.No.276 of 2012 in A.R.No.50 of 2010.

ORDER

1. Heard the learned counsel for the petitioners and perused the records.
2. This civil revision petition is focussed as against the order of attachment of salary dated 24.02.2012 passed by the learned District Munsif cum Judicial

Magistrate, Neyveli in E.P.No.276 of 2012 in A.R.No.50 of 2010.

3. The germane facts can be encapsulated thus:

The court below in the Execution Petition ordered attachment for recovering a total sum of Rs.52,672/- and in that connection, recoveries have been effected from the salary of the petitioners.

3. The grievance of the judgment debtors is that despite the aforesaid amount having been recovered, the officer concerned is going on recovering further amounts without any stoppage. As such, the grievance of the petitioners in my considered opinion, could be adequately redressed by passing the following direction to the Presiding Officer of the Executing Court

The Presiding Officer of the Executing Court is directed to verify personally as to how much amount has been recovered so far from the petitioners in connection with the said Execution petition and shall see that there is no excess recovery over and above the scope of the Execution Petition.

4. With the above direction, this civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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