

Murugaiyan. Vs. Vanchilingam.

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Court : Chennai

Decided On : Jul-31-2012

Judge : G.Rajasuria, J.

Acts : [Constitution of India](#) - Articles 227

Appeal No. : C.R.P.(NPD).No.2734 of 2012 and M.P.No.1 of 2012

Appellant : Murugaiyan.

Respondent : Vanchilingam.

Advocate for Pet/Ap. : Mr.S.T.P.Kuilmozhi. Adv

Judgement :

Civil Revision Petition filed under Article 227 of the [Constitution of India](#) as against the order dated 24.01.2011 passed by the learned District Munsif, Mannargudi in E.A.No.311 of 2010 in E.P.No.19 of 2009 in O.S.No.222 of 2007.

ORDER

1. Animadverting upon the order dated 24.01.2011 passed by the learned District Munsif, Mannargudi in E.A.No.311 of 2010 in E.P.No.19 of 2009 in O.S.No.222 of 2007, this civil revision petition is focussed.

2. Heard the learned counsel for the petitioner, who would echo the cri de coeur of his client to the effect that the lower court simply rejected the prayer of the judgment debtor to recall the order attaching his salary, even though the judgment debtor was paying regularly a sum of Rs.1,000/- every month.

3. Perused the order, which would clearly exemplify that the total decree amount was Rs.47,711.50 ps and the judgment debtor was directed to pay Rs.3,500/- every month; but he was paying only a sum of Rs.1,000/- every month. Whereupon, attachment of salary was ordered. Thereafter, the petitioner filed an application for recalling the order of attachment and to permit him to pay the sum of Rs.1,000/- every month.

4. The lower court considering the past conduct of the judgment debtor refused to recall the warrant. Unless there is any perversity or illegality in it, the question of invoking Article 227 of the [Constitution of India](#) would not arise.

5. Accordingly, I find no merit in this civil revision petition and the same is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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