



C.R.P(MD)No.1801 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1801 of 2026

and

C.M.P(MD)No.8735 of 2026

S.Lalitha

.. Petitioner

Vs.

1.S.M.Mohamed Ibrahim

2.M/s Axis Bank Ltd.,
rep. by its Branch Manager,
Thillainagar Branch,
Thillainagar, Trichy – 18.

.. Respondents

PRAYER: Civil Revision Petition filed under section 115 of Civil Procedure Code to set aside the impugned order dated 25.03.2026 passed in E.P.No.297 of 2023 on the file of the I Additional Sub Court, Tiruchirappalli in O.S.No.173 of 2015 on the file of the I Additional Sub Court, Tiruchirappalli.

For Petitioner : Mr.R.Paranjothi for
M/s KBS Law Office



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ORDER

The Civil Revision Petition is filed challenging the order passed by the executing Court attaching the property of the petitioner in execution of the decree obtained by the first respondent against the petitioner.

2. It is seen from the typed set of papers that the first respondent filed a suit seeking recovery of a sum of Rs.3,29,200/- with interest, based on a construction agreement. According to the first respondent, he constructed a house for the petitioner in terms of the construction agreement and, since the petitioner failed to pay the amount due under the agreement, the suit came to be filed. The suit was decreed and the said decree was put into execution in E.P. No. 297 of 2023.

3. In the said Execution Petition, the first respondent sought attachment and sale of the property belonging to the petitioner for recovery of the decretal amount. Since the petitioner failed to pay the decretal amount, the executing Court, by the impugned order, ordered attachment of the property belonging to the petitioner.



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4.The learned counsel for the petitioner submits that the petitioner already offered some other property as security in A.B.J. petition and, hence, the present Execution Petition filed by the decree holder seeking to attach different property is not maintainable.

5.The judgment debtor is not entitled to dictate to the decree holder as to which of the property belonged to the judgment debtor shall be attached to satisfy the decree. Merely because, the defendant offered some other property as security in A.B.J. petition, the decree holder need not attach the very same property in execution. The fact remains that other property offered by the judgment debtor has not been attached. In such circumstances, the decree holder is at liberty to proceed against any property of the judgment debtor at the time of execution. Now, the property of the judgment debtor is attached by the impugned order, subject to the rights of the secured creditor. I do not find any error in the said order. If the judgment debtor thinks the property attached will fetch much more amount than the decree amount and the debt due to the secured creditor, he can always request the executing Court to order sale in lots.

6. After considering the materials placed on record, this Court is of the view that the petitioner has not made out any ground



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warranting interference with the impugned order passed by the
executing Court.

7. Accordingly, the Civil Revision Petition stands dismissed. No
costs. Consequently, the connected miscellaneous petition is closed.

15.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn
To

1.The I Additional Sub Court, Tiruchirappalli.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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and
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