

2. The petitioner had instituted a suit against the respondent for recovery of money and the same was decreed on 12.07.1991. The petitioner laid an execution petition for recovery of the decree amount by way of attachment and sale of immovable property of the judgment debtor. The execution petition was dismissed on the ground that the petitioner had not proved that the judgment debtor is the owner of the property in dispute.

3. Mr. A.R.Nixon, learned counsel for the petitioner submitted that the decree holder has produced material to show that the judgment debtor was the owner of the property, however it was dismissed on the ground that he had not produced recent documents to show that still he is the owner of the property. The learned counsel further submitted that the decree holder is having materials to prove that still the property is owned by the judgment debtor.

4. Considering the submissions of the learned counsel for the petitioner, the order passed in E.P.No.11 of 1999 is set aside and the matter is remanded back to the Executing Court. The Executing Court shall dispose of the execution petition, on merits and in accordance with law, after giving opportunity to the respondent, within a period of three months from the date of receipt of a copy of this order.

5. In the result, this Civil Revision Petition is allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

04.03.2015

ds/rg
Index : Yes/No

To

The Principal District Munsif,
Thirukoilur.

K.KALYANASUNDARAM, J.

ds/rgr

C.R.P.No.2136 of 2000

04.03.2015