

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4769 of 2015

Selvam

... Petitioner

v.

Subbarayan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the decree and fair order dated 27.03.2015 in R.E.P. No.47 of 2009 in O.S.No.161 of 2002 on the file of Sub Court, Attur.

For Petitioner : Mr.R.Asaithambi

ORDER

Challenging the order passed in R.E.P. No.47 of 2009 in O.S.No.161 of 2002 on the file of Sub Court, Attur, the judgment debtor has filed the above Civil Revision Petition.

2. Pursuant to the decree passed in O.S.No.161 of 2002, the respondent-plaintiff filed an Execution Petition in R.E.P. No.47 of 2009.

3. Though the judgment debtor appeared in the Execution Petition through a counsel, he did not choose to file a counter in the Execution Petition.

4. The Execution Court, taking into consideration the case of both the parties, allowed the Execution Petition stating that the possession of the property was handed over to the decree holder on 23.3.2015 itself.

5. It is needless to say that the Execution Court is bound by the decree passed in the suit and therefore, the order passed by the Execution Court is just and proper.

6. In these circumstances, I do not find any merit in the Civil Revision Petition. Accordingly, the Civil Revision petition is dismissed. No costs.

Index : Yes/No

18.01.2016

Rj

To

The Sub Court,
Attur.

M. DURAISWAMY,J.,

Rj

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