

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
CIVIL REVISION PETITION NOs.4231 & 4232 of 2016

COMMON ORDER:

Both these revisions arise out of the orders passed by the executing Court in two applications, in and by which the judgment debtor sought to set aside a sale in execution and also sought permission to deposit the entire decree debt with all consequential amounts.

2. Heard learned counsel on both sides.

3. Today the admitted position is that the petitioner/JDR has deposited, to the credit of the Court below, the entire decree amount, warrant amount, penalty and poundage. The respondent is not only the decree holder but also the purchaser in the Court auction. He has no objection, provided the excess amounts deposited by him are permitted to be withdrawn. Therefore the civil revision petitions are disposed of to the following effect –

1. The auction sale dated 24.03.2016 is set aside.
2. The amounts deposited by the petitioner as well as the amount deposited by the respondent shall be withdrawn by the respondent.
3. In view of the above order, the E.P. shall stand terminated recording full satisfaction.
4. As a sequel, miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

2nd December, 2016
Js.