

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.4289 of 2016

Order:

The petitioner who is a judgment-debtor, has come up with the above revision aggrieved by the order passed by the executing Court, allowing the execution petition with costs.

2. Heard Sri Y.Subrahmanyam, learned counsel for the petitioner.

3. Insofar as the decree is concerned, the same appears to have attained finality. No appeal seems to have been filed against the decree. In any case, no stay of execution has been granted by any Court.

4. The only objection taken by the petitioner/judgment-debtor was that the properties sought to be attached are not owned by him. According to him, they are owned by the Indian Oil Corporation (IOC) for whom, he was acting only as a dealer. His contention is that he has no saleable interest in the properties sought to be attached.

5. But the executing Court rightly rejected the said contention on the ground that no proof is adduced. The contention that a person who is not the owner cannot produce proof, cannot be accepted. The petitioner ought to have produced at least the agreements and correspondence that he has had with the IOC. Moreover, the stock-in-trade appears to have been hypothecated by the judgment-debtor to the Bank. A person who claims that he has no saleable interest, has already hypothecated the stock-in-trade with a Bank. Therefore, the defence taken by the judgment-debtor/petitioner is only a make believe affair and it was rightly

rejected by the executing Court. Hence, the revision is dismissed.

The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

11th November, 2016.

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