

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) NO.2611 OF 2017

AND

CMP NO.12483 OF 2017

Rajasekar

... Petitioner

Vs.

Uma

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decree passed in E.P.No.159 of 2015 in O.S.No.59 of 2009 dated 18.07.2017 on the file of Principal Subordinate Court, Villupuram.

For Petitioner : Ms.T.Gnana Banu

ORDER

This Civil Revision Petition is directed against the order dated 18.07.2017 passed in E.P.No.159 of 2015 in O.S.No.59 of 2009, by the learned Principal Subordinate Judge, Villupuram.

2. The petitioner is the judgment debtor. He has filed an objection before the Execution Court that the respondent / decree holder has filed an execution petition for sale of immovable property attached by the Court. The petitioner / judgment debtor has filed a written statement that he has already settled the immovable property in favour of third party. However, he has not produced any documentary evidence in support of the same. The Trial Court, after considering the objections raised by the petitioner / judgment debtor has allowed the petition.

3. When the matter is taken up for hearing today, learned counsel for the petitioner / judgment debtor has also reiterated the above facts.

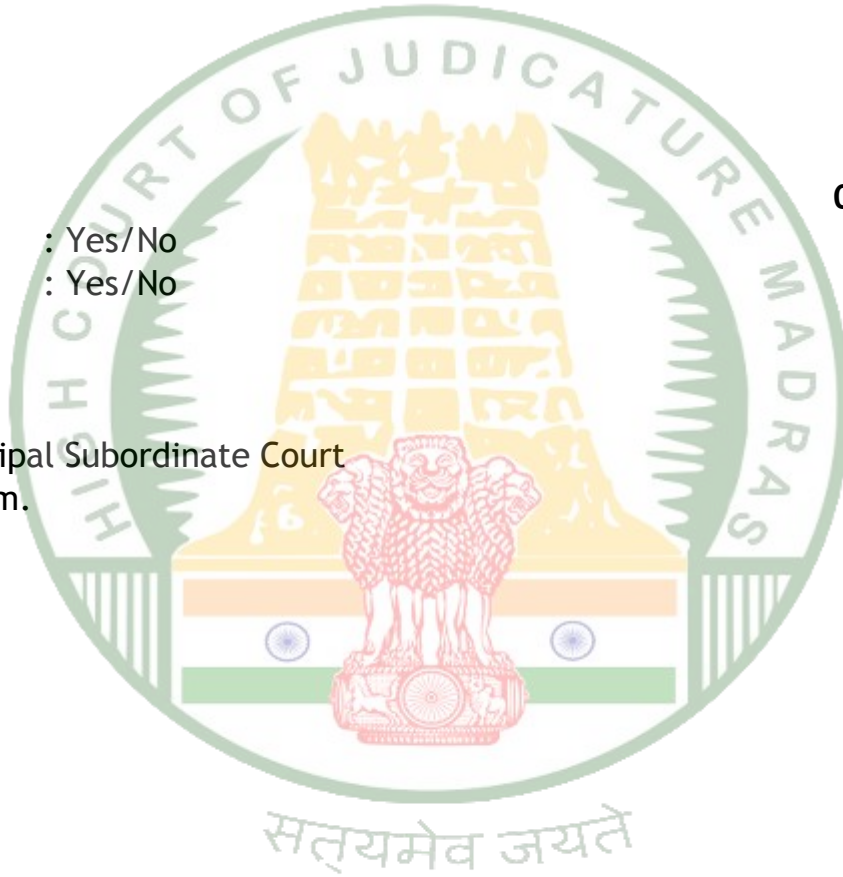
4. From the perusal of the records, it is seen that the decree which is sought to be executed was challenged by way of an appeal in A.S.No.50 of 2011. After dismissal of the Appeal Suit, the execution petition came to be filed. From the counter affidavit, it could be seen that the petitioner / judgment debtor is only attempting to protract the proceedings on vague averments. Even assuming that a settlement deed

has been executed in favour of a third party, an interested person can always agitate before the Execution Court. Therefore, the Civil Revision Petition merits no consideration and accordingly, stands dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
TK
To

The Principal Subordinate Court
Villupuram.

09.08.2017



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M.GOVINDARAJ, J.

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