

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(N.P.D.) No.3232 of 2011

M/s.Rajalakshmi General Finance
rep. By its Partner
R.balasubramaniam

: Petitioner

versus

C.Nallasamy

: Respondent

PRAYER: Revision filed against the order dated 29.03.2011 in E.P.No.193 of 2009 in O.S.No.303 of 2002 on the file of the I Additional Sub Court, Erode.

For petitioner :: Mr.M.Guruprasad

For respondent :: Mr.S.Lakshmanasamy

ORDER

This civil revision petition challenges the order dated 29 March 2011 in E.P.No.193 of 2009 dismissing the application filed by the petitioner for attachment and sale of immovable properties owned by the respondent.

2. Heard the learned counsel for the petitioner. I have also heard the learned counsel for the respondent.

K.K.SASIDHARAN, J.

(tar)

3. The application submitted by the petitioner for attachment and sale of the immovable property owned by the respondent was dismissed by the Trial Court on the ground that there was a partition of the suit property by registered partition deed dated 2 September 2004. The property shown in the schedule the execution petition was allotted to the share of Sathyamurthi. The property was attached only on 10 March 2010. The registration of the property was on 7 September 2004. The learned Trial Judge was therefore perfectly correct in his finding that the property allotted to a third party long back is not liable to be attached in execution of the decree in O.S.No.303 of 2002. I do not find any error or illegality in the said order, warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

4. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2011 is also dismissed.

17.04.2017

tar

To

The I Additional Sub Court, Erode.

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