

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD) No.4202 of 2012

M.P.No.1 of 2012

M.Tamilselvi

.. Petitioner

Vs.

1.Mooka Gounder
2.Chinnasamy
3.Sakthivel
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order of the learned District Munsif, Harur dated 03.09.2012 made in R.E.A.No.22/2012 in R.E.A.No.61 of 2010 in R.E.P.No.3 of 2009 in O.S.No.319 of 2006.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For R1 : Mr.T.Murugamanickam
Senior Counsel
for M/s.Zeenath Begum

For R2 : No appearance

For R3 : M/s.L.Mouli

ORDER

This Civil Revision Petition has been filed against the fair and decretal order of the learned District Munsif, Harur dated 03.09.2012 made in R.E.A.No.22/2012 in R.E.A.No.61 of 2010 in R.E.P.No.3 of 2009 in O.S.No.319 of 2006.

2. The petitioner filed R.E.A.No.22 of 2012 in R.E.A.No.61 of 2012 in R.E.P.No.3 of 2009 for permission to examine Civil Engineer, who inspected the suit property and has given the report with regard to the valuation of the property. The said report was marked as Ex.P14.

3. The first respondent opposed the said application by filing counter affidavit and submitted that the suit property was attached by the order dated 16.06.2006 in I.A.No.1014/2006. The petitioner purchased the property after attachment of the property on 06.02.2009. Knowing fully well of the attachment, she has purchased the property and as per the sale deed, she has purchased the property for Rs.2,00,000/-. The property was sold in the public auction for a sum of Rs.4,55,000/-. In view of the value

in the sale deed in Ex.A4, there is no necessity to examine the Civil Engineer to prove the value of the property. The learned Judge, considering the fact that the petitioner has already marked the report of Engineer, dismissed the application.

4. Against the said order dated 03.09.2012 made in R.E.A.No.22/2012 in R.E.A.No.61 of 2010 in R.E.P.No.3 of 2009 in O.S.No.319 of 2006, the present Civil Revision Petition is filed by the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as first and third respondent and perused the materials available on record.

6. The petitioner has purchased the property by Ex.A4 for a sum of Rs.2,00,000/-. The petitioner has filed the R.E.A.No.61 of 2010 to set aside the sale. In view of the public auction in which the property was sold for Rs.4,55,000/- and petitioner has already filed the report of the Civil Engineer, who inspected the property and filed his report, there is no illegality or irregularity warranting interference with the order of the learned Trial Judge, dated

03.09.2012.

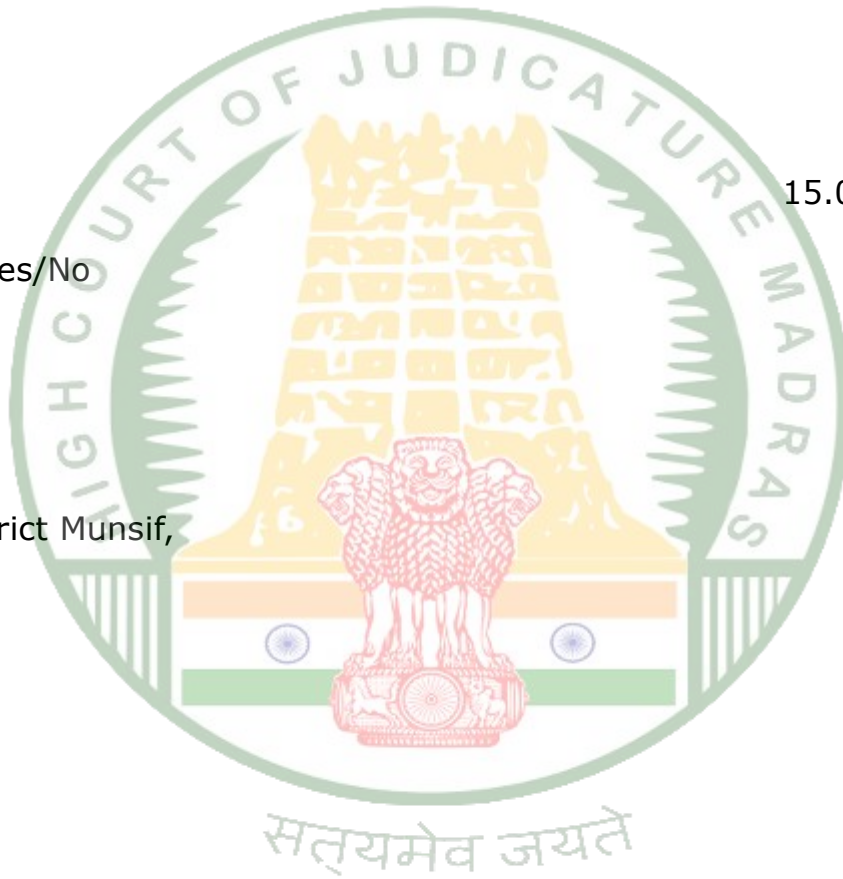
7. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2017

Index: Yes/No
gsa

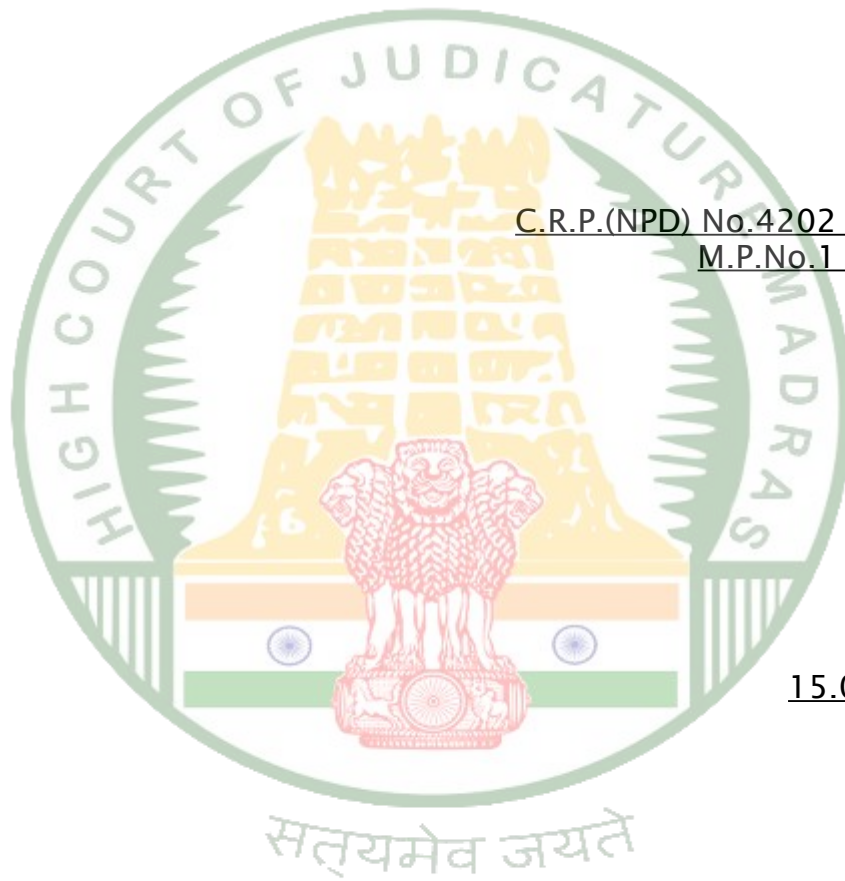
To

The District Munsif,
Harur



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V.M.VELUMANI,J.



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15.09.2017

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