



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.04.2017

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (NPD) (MD)No. 574 of 2017

in

C.M.P.(MD) No. 2593 of 2017

K.Subbarayan

... Petitioner

-Vs-

R.Krishnamoorthy

... Respondent

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India, against the Order and decreetal order made in I.A.No.53 of 2016 in I.P.No. 34 of 2015 on the file of the Additional Sub Court, Karur, dated 11.01.2017.

For Petitioner

: Mr.T.Antony Arul Raj

O R D E R

This Revision Petition is filed against the order passed by the Execution Court, dismissing the petition of the Judgment-debtor that the property which is subject to Court auction should not be put to auction, because he is indebted to some other persons, who are arrayed as respondents in the Insolvency Petition.

2. The trial Court has rightly dismissed this petition, on the ground that the Execution Petition is filed pursuant to the Suit filed in the year 2013 and numbered as O.S.No.98 of 2013, in which the Execution Petition No.196 of 2014 was filed. The Insolvency Petition was filed by the revision petitioner subsequent to the decree passed in the suit and therefore, the decree-holder cannot be deprived of the benefit of the decree which he has obtained in the suit. The revision petitioner is not entitled to the filing of the Insolvency Petition. This Court finds no merit in the revision petition, since the order of the trial Court is in order and no error of judgment. Hence, the revision



petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CSIII)

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/True Copy/

Sub-Assistant Registrar

TO

THE ADDITIONAL SUB JUDGE,
KARUR.

+1 CC TO MR.T.ANTONY ARUL RAJ,ADVOCATE,SR NO.50052

das/akv

MAS/MR/SAR2:13.04.2017:2P-3C

C.R.P. (MD) No.574 of 2017

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