



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (MD) (NPD) No.1939 of 2016

and

C.M.P (MD) No.9183 of 2016

1.V.Vaiyapuri

2.V.Dhanasekaran

... Petitioners/Respondents
Respondents

Vs.

M/s. Muthoot Housing Finance Co.Ltd.,
Having Office at No.84, Second Floor,
South Veli Street,
Opp-Kamatchi Hospital,
Madurai - 625 001.

Through its power agent,
K.Ganapathy Subramanian

... Respondent/Petitioner
Claimant

Prayer : Civil Revision Petition is filed Under Article 227 of the Constitution of India to set aside the attachment order passed in E.P.No.89 of 2015 In Arbitration No.2/34 of 2015 on the file of the Hon'ble Principal district Court, Dindigul dated 17.08.2016 by setting aside the conditional order dated 06.07.2016 by allowing this Revision Petition and thus render Justice.

For Petitioner : Mr. K.K.Ramakrishnan

For Respondent : Mr. M.Muthukumaran

O R D E R

The Revision Petition filed by the Judgement debtors, aggrieved by the dismissal of Execution Petition in E.P.No.89 of 2016 in Arbitration No.2/34 of 2015 on the file of the Principal District Court, Dindigul dated 17.08.2016.

2.Revision Petitioners are the Judgement debtors. Aggrieved by the attachment of their property without giving them an opportunity, they have filed the present revision petition.

3.This Court at the time of admitting the Revision Petition, passed a Conditional Order on 23.02.2017 that the petitioner should deposit Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of E.P.No.89 of 2015 in Arbitration Number 2/34 of 2015 pending before Principal District Court, Dindigul, within 4



weeks from the date of receipt of the copy. Later, the Revision Petitioner found that an error has been crept in the said order mentioning wrongly that the matter is pending before the Learned Principal District Judge, Dindigul. Instead of mentioning as pending before the First Additional District Court, Dindigul. Therefore, he was not able to comply the said condition imposed by this Court.

4. Meanwhile, the decree holder, who is the respondent, herein, took notice and appeared through counsel before this Court and stated that he has intended to withdraw the E.P.No.89 of 2015 and he wants to proceed against the debtors under Sarfaesi Act. When the matter was posted today (11.04.2017) for further hearing, the revision petitioners submitted that they were not able to comply with the Conditional Order due to an error by wrongly mentioning Principal District Court Dindigul, instead of Additional District Judge, Dindigul, and the learned counsel for the respondent submitted that due to pendency of Civil Revision Petition, the Trial Court has refused to permit the decree holder to withdraw the E.P.No.89 of 2015.

5. The above said factual circumstances, the revision petition is dismissed for non-compliance of interim order. The decree holder is at liberty to withdraw the Execution Petition.

6. In the result, this Revision Petition is dismissed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To
The Principal District Judge,
The Principal District Court,
Dindigul.

+1cc to Mr.M.Muthukumaran, Advocate Sr.No.51798
+1cc to Mr. K.K.Ramakrishnan, Advocate Sr.No.51883

gk/mm

vb/jc/04.05.2017/2p/4c

ORDER MADE IN
C.R.P (MD) (NPD) No.1939 of 2016
and
C.M.P (MD) No. 9183 of 2016
11.04.2017