

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.07.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(NPD)No.4081 of 2017 and
C.M.P.Nos.19143 & 4726 of 2018

Pachayammal ... Petitioner
Vs.
S.P.Seenivasan ... Respondent

Civil Revision Petitions have been filed under Article 227 of the Constitution of India seeking to set aside the order of proclamation of sale dated 04.10.2017 passed in E.P.No.8 of 2016 in O.S.No.240 of 2001 on the file of the Subordinate Court, Bhavani.

For Petitioner : Mr.V.Prakash, Senior Counsel
for Mr.M.Suresh
For Respondent : Notice served – No Appearance

ORDER

The civil revision petition has been filed seeking to set aside the order of proclamation of sale dated 04.10.2017 passed in E.P.No.8 of 2016 in O.S.No.240 of 2001 on the file of the Subordinate Court, Bhavani.

2 The respondent filed a suit in O.S.No.240 of 2001 against the petitioner herein for specific performance. Later the trial Court found that money transaction is involved and granted money decree in

favour of the plaintiff by judgment and decree dated 28.12.2012. Thereafter the respondent initiated execution proceedings in E.P.No.8 of 2016 for recovery of Rs.6,84,624/-, wherein proclamation of sale has been made by order dated 04.10.2017. Subsequently, petitioner's property was also brought for auction. Aggrieved against the same, the revision petitioner has preferred this present civil revision petition.

3 The petitioner has already paid a sum of Rs.1,50,000/- in compliance with the order of this Court dated 08.11.2017, wherein this Court granted interim stay of the auction. Today, when the matter is called, the learned Senior Counsel appearing for the petitioner would submit that the petitioner is ready to deposit entire amount less the amount already deposited and seeks some time to do the same, he also requests that till then the auction proceedings may be stayed.

4 In view of the above submissions made by the learned Senior Counsel appearing for the petitioner, the petitioner is permitted to deposit the entire amount less the amount already paid to the credit of E.P.No.8 of 2016 on the file of the Subordinate Court, Bhavani, within a period of eight weeks from the date of receipt of a copy of this order. The EP Court is directed to accept the money to be deposited by

the petitioner herein and proceed with the execution proceedings in accordance with law. Till then the auction proceedings shall be stayed.

5 With the above observations and directions, this civil revision petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

05.07.2018

Index: Yes/No
Internet: Yes/No
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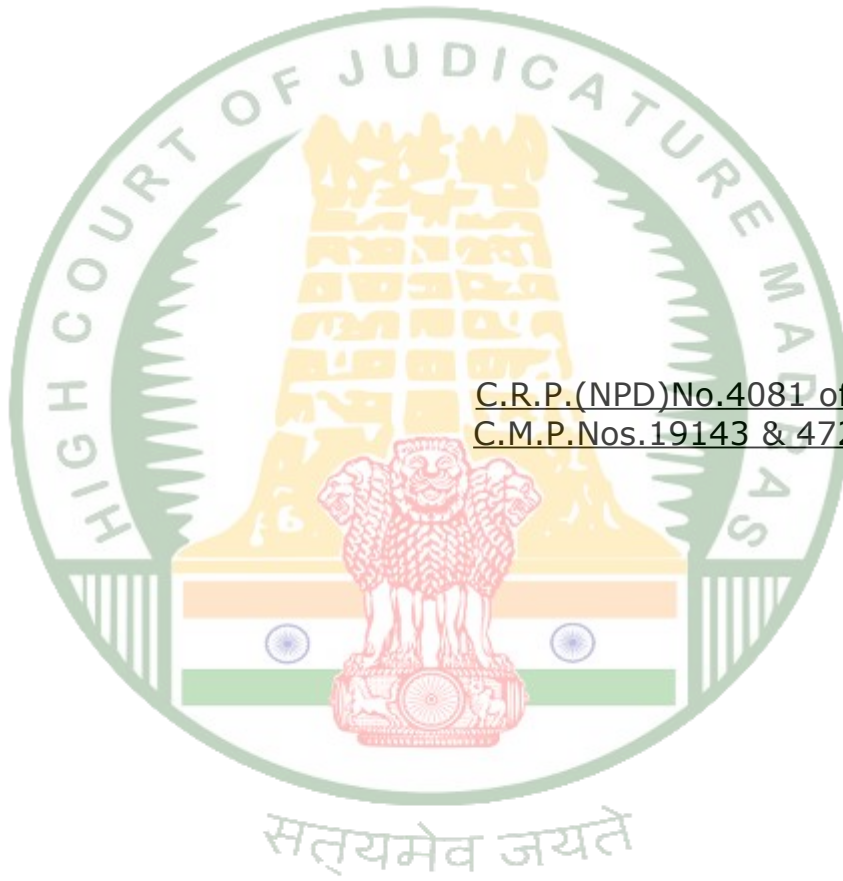
To
The Subordinate Court, Bhavani.



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P.VELMURUGAN, J.,

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