

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2018

Coram:

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

C.R.P.(NPD)Nos.4714 & 4715 of 2017 and  
C.M.P.Nos.22168 & 22169 of 2017

U.Sivabalan ... Petitioner in CRP.No.4714/2017  
 C.Rajendran ... Petitioner in CRP.No.4715/2017

Vs.

1. M/s.Reliable Investment & Developers  
 A Partnership firm  
 Mr.Javed Mohemd Hussain  
 No.56, Jeni Jani Building,  
 Varoda Road, Bandra (West)  
 Mumbai-400 050
2. D.Dhandapani
3. D.Ganesan
4. D.Sridhar
5. Kamala Ganesan
6. Radha Sridhar
7. Latha Ravichandran
8. Meena & Co., .... Respondents in both the CRPs

**Prayer in both the CRPs:** Civil Revision Petitions have been filed under Article 227 of the Constitution of India against orders passed by the learned Principal District Judge, Kancheepuram District at Chengalpet in E.A.Nos.85 & 87 of 2016 respectively in E.P.No.121 of 2012 in Loak Adalat Award No.4306 of 2009 dated 27.10.2017.

For Petitioner : Mr.V.Raghavachari for  
 Mr.K.Balajee in both the CRPs

For Respondent: Mr.V.Jayachandran for R1  
 in both the CRPs

**COMMON ORDER**

These civil revision petitions have been filed against orders passed by the learned Principal District Judge, Kancheepuram District at Chengalpet in E.A.Nos.85 & 87 of 2016 respectively in E.P.No.121 of 2012 in Loak Adalat Award No.4306 of 2009 dated 27.10.2017.

**2** The revision petitioners are third party to the Award passed by the Lok Adalat in Award No.4306 of 2009 in favour of the first respondent. Subsequently, the first respondent initiated execution proceedings in E.P.No.121 of 2012, wherein attachment was ordered on 13.12.2013. The revision petitioners filed execution applications in E.A.Nos.85 & 87 of 2016 for raising attachment against their properties. The EP Court dismissed both the applications by order dated 27.10.2017, against which the present revisions have been preferred.

**3** The learned counsel appearing for the revision petitioners would submit that the revision petitioners are bonafied purchasers and they purchased the properties well before the order of attachment was made and they are now in possession of the same. The EP Court erroneously dismissed the application without considering the above facts. Hence the order dated 27.10.2017 is liable to be set aside.

**4** The learned counsel for the first respondent would submit that the revision petitioners are not bonafide purchasers as rightly found by the EP Court. The revision petitioners are protracting the EP proceedings by filing these applications. Hence the order passed by the EP Court does not warrants any interference of this Court.

**5** Heard the learned counsel appearing for the revision petitioner and perused the materials available on record.

**6** The main contention of the revision petitioners is that they have purchased the properties through sale deeds dated 28.04.2010 & 02.12.2010, whereas the order of attachment was made only on 13.12.2013. On a perusal of the records, this Court found the sale deeds dated 28.04.2010 & 02.12.2010 are prior to the attachment. Hence prima facie, the order of attachment was made only after the purchase of the properties.

**7** Under these circumstances, these are the fit cases to set aside the order of the EP Court and remit back the matters to the EP Court for fresh consideration.

**8** Accordingly, the orders dated 27.10.2017 made in E.A.Nos.85 & 87 of 2016 in E.P.No.121 of 2012 in Lok Adalat Award No.4306 of 2009 dated 27.10.2017 by the learned Principal District Judge, Kancheepuram District at Chengalpet, is hereby set aside and the matters are remitted back to the EP Court for fresh consideration. The EP Court is directed to consider the applications afresh and dispose of the same in accordance with law, within a period of three months from the date of receipt of a copy of this order. Consequently connected miscellaneous petitions are closed. No costs.

**21.06.2018**

Internet: Yes/No

Index: Yes/No

cgi

To

The Principal District Judge,  
Kancheepuram District at Chengalpet

सत्यमेव जयते  
WEB COPY

**P.VELMURUGAN, J.,**

cgi



C.R.P.(NPD)Nos.4714 & 4715 of 2017 and  
C.M.P.Nos.22168 & 22169 of 2017

**WEB COPY** 21.06.2018