



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

CRP (MD) No.2190 of 2015
and M.P. (MD) No.1 of 2015

1.M.Eswari

2.S.P.K.Ganesan

... Petitioners

Vs.

M/s Sri Nithyakalyani Chit Funds Private Ltd.,
Through its Managing Director Mr.N.Subramaniam,
Door No.6/33, South Veli Street,
Madurai.

... Respondent

Prayer : Civil Revision Petition filed under Section 115 of C.P.C. to set aside the order passed in E.P.No.281 of 2002 in C.T.No.3 of 2001 dated 17.08.2015 on the file of the Principal Sub Court, Madurai by allowing this Revision Petition.

For Petitioners : No Appearance

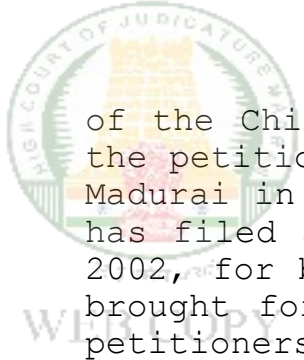
For Respondent : Mr.T.R.Subramanian

ORDER

This Civil Revision Petition has been filed to set aside the order passed in E.P.No.281 of 2002 in C.T.No.3 of 2001 dated 17.08.2015 on the file of the Principal Sub Court, Madurai.

2.When the matter is taken up for hearing, the learned counsel appearing for the petitioners is not present. The petitioners filed this petition stating that the Executive Court erroneously brought two items of properties for auction and these item of properties are worth about more than Rs.20 lakhs and the execution petition amount is only Rs.1,38,716.25/- and the amount due to the Chit transactions should be recovered as arrears of land revenue under the Tamil Nadu Revenue Recovery Act and E.P. is not applicable and prayed that the order passed in E.P.No.281 of 2002 in C.T.No.3 of 2001 on 17.08.2015 is to be set aside.

3.The learned counsel appearing for the respondent would submit that the decree holder is fighting for his rights for years together and the petitioners joined the Chit in the year 1998 and they got the amount in auction on 21.08.1998. But failed to pay the balance



of the Chit amount. Therefore, the respondent took action against the petitioners before the Assistant Registrar of Chit Transactions, Madurai in C.T.No.3 of 2001 and obtained a decree on 20.11.2001 and has filed an Executive Petition in E.P.No.281 of 2002, in the year 2002, for bringing the properties for auction. The properties were brought for auction and upset price was fixed on 17.08.2015. The petitioners have filed this petition only against the order passed on 17.08.2015 and prayed for dismissal of this petition.

4.Records perused. A perusal of the records, reveals that the petitioners have not questioned the decree passed in C.T.No.3 of 2001 and the petitioners have not questioned the order passed in E.A.104 of 2010. The petitioners have not filed any petition against the order of attachment of the properties and they have come forward only against the order of fixing the upset price.

5.As the petitioners have not taken any steps in the previous proceedings, the petitioners cannot question the order dated 17.08.2015. There is no merits in this petition. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Principal Sub Court,
Madurai.

• 1 CC TO Mr.T.R.Subramanian , ADVOCATE IN SR No. 86366.
GNS
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