



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1553 of 2016

and

CMP (MD) No.7553 of 2016

M.Muniyandi

...Petitioner/Respondent/Defendant

Vs.

Ismail (deceased)

1.Janaki @ Rishya

2.Saramma

3.Jahir Hussain

4.Saleena

5.Sajitha

...Respondents/Petitioners/Plaintiffs

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order and decree passed dated 18.01.2016 made in E.P No.173 of 2014 in O.S No.421 of 1995 on the file of the learned Principal Sub Court, Dindigul, Dindigul District.

For Petitioner : Mr.G.Gomathi Sankar

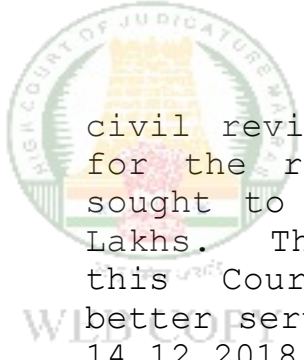
For Respondents: No appearance

ORDER

The defendant in O.S No.421 of 1995 on the file of the learned Principal Sub Court, Dindigul is the revision petitioner herein. The revision petitioner suffered a decree in the said suit. The said decree was confirmed right up to Second Appeal. Thereafter, the plaintiffs filed E.P No.173 of 2014 for executing the money decree obtained against the revision petitioner. Questioning the maintainability of the execution proceedings, this Civil Revision Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

2.This Court is of the view that there is no merit in this



civil revision petition. However, the learned counsel appearing for the revision petitioner submits that the property that is sought to be brought to sale is worth about more than Rs.10.00 Lakhs. The decree is only for a sum of Rs.85,000/-. Therefore, this Court is of the view that the interest of justice would be better served if the execution proceedings are put on hold till, 14.12.2018. The learned counsel for the revision petitioner submits that the revision petitioner shall endeavour to settle the issue by then. If the revision petitioner is not in a position to liquidate the decretal liability, the execution proceedings would resume immediately thereafter.

3. With this observation and direction, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous is also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-III)

To

The Principal Sub Judge,
Dindigul, Dindigul District.

+ 1 CC TO MR.G.GOMATHI SANKAR, ADVOCATE IN SR NO.82023

SKM

BU/RP/SAR-III :10.10.2018 : 2P/3C

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