



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.2344 of 2016
and
C.M.P.[MD]No.10803 of 2016

1. Gopalakrishnan
S/o. Subramanian,
Proprietor,
M/s. Surya Industries,
No.1, Industrial Estate, Kovilpatti Town.

2. M/s. Surya Industries,
Through its Proprietor,
Gopalakrishnan,
No.1, Industrial Estate,
Kovilpatti Town.

: Petitioners/Respondents/Defendants

Vs.

State Bank of India,
Represented by its Branch Manager,
Kovilpatti Branch,
Thoothukudi District.

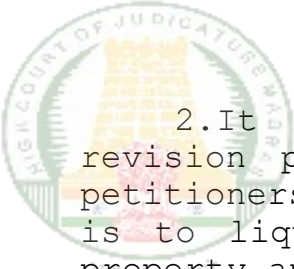
: Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the petition and order dated 05.10.2016 passed in E.P.No.1 of 2012 in O.S.No.39 of 2004 on the file of the Principal District Judge, Thoothukudi.

For Petitioners : Mr.G.Prabhu Rajadurai
For Respondent : Mr.S.Sethuraman

O R D E R

The defendants in O.S.No.39 of 2004, on the file of the Subordinate Court, Kovilpatti, are the revision petitioners herein. The revision petitioners had availed loan from the respondent bank. They committed default. Therefore, the said suit came to be laid. The suit was decreed on 06.10.2004. It appears that the decree has become final and it has not been challenged. For enforcing the decree, E.P.No.1 of 2012 came to be filed. Questioning the maintainability of the said Execution Petition, this Civil Revision Petition has been filed.



2.It is not in dispute that the decree stands against the revision petitioners. But, the learned Counsel for the revision petitioners submits that the intention of the revision petitioners is to liquidate the decreetal liability. He wants to save his property and therefore, he seeks some breathing time.

3.Therefore, this Court directs the Court below to keep the execution proceedings on hold and in abeyance for a period of three [3] months. If the revision petitioner is unable to satisfy the decree in the meanwhile, the Court below shall resume the execution petition.

4.The Civil Revision Petition stands disposed of, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Principal District Judge,
Thoothukudi.

+ 1 CC TO Mr.G.PRABHU RAJADURAI, ADVOCATE IN SR No. 85670
+ 1 CC TO Mr.S.SETHURAMAN, ADVOCATE IN SR No. 85813

MR

TE/SKN/SAR-4 : 13/11/2018 : 2P/4C

ORDER MADE IN
C.R.P.NPD[MD]No.2344 of 2016
19.09.2018