



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.2667 of 2016

Sampoorna Devi : Petitioner/Petitioner/Plaintiff

**Vs.**

Mupputadhi : Respondent/Respondent/Defendant

**PRAYER:** Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to allow this Civil Revision Petition and set aside the fair and decreetal order dated 27.09.2016 made in E.P.No.81 of 2012 in O.S.No.170 of 1998 on the file of Principal Sub Court, Tenkasi.

For Petitioner : Mr.A.Arumugam  
For Respondent : Mr.T.S.R.Venkataramana

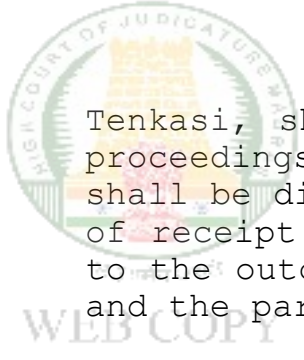
**O R D E R**

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The plaintiff in O.S.No.170 of 1998 on the file of Subordinate Court, Tenkasi, is the revision petitioner herein. The revision petitioner obtained a money decree against the respondent. To execute the same, she filed E.P.No.81 of 2012. The Execution Petition was dismissed on the ground that the revision petitioner did not establish that the respondent is having the means to satisfy the decree and it is void to do so. The Execution Petition was dismissed by order dated 27.09.2016. Challenging the same, this Civil Revision Petition has been filed.

2.This Court notes that the respondent did not even enter the witness box. He did not even file counter. During the pendency of the suit proceedings, the properties of the defendant have suffered an adjudication. This *prima facie* indicates that the respondent has means to satisfy the decree. The respondent in the meanwhile filed Insolvency Petition and the same is pending in I.P.No.3 of 2012, before the same Court. It is also submitted that the revision petitioner is figuring as 13<sup>th</sup> respondent in the said I.P.

3.Therefore, even while setting aside the impugned order in the Civil Revision Petition and allowing the Civil Revision Petition and remitting the matter to the Court below, it is directed that E.P.No.81 of 2012, on the file of the Principal Subordinate Court,



Tenkasi, shall be put on hold till the disposal of the insolvency proceedings. The insolvency proceedings initiated by the respondents shall be disposed of within a period of six [6] months from the date of receipt of a copy of this order. It is made clear that subject to the outcome of I.P., the proceedings in the E.P. will be resumed and the parties shall let in further evidence.

4.The Civil Revision Petition stands allowed, accordingly. No costs.

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

**To**

The Principal Subordinate Judge,  
Tenkasi.

+ 1 CC TO Mr.A.ARUMUGAM, ADVOCATE IN SR No. 85541  
+ 1 CC TO Mr.T.S.R.VENKATARAMANA, ADVOCATE IN SR No. 85486

MR  
TE/SV/SAR-2 : 09/11/2018 : 2P/4C

ORDER MADE IN  
C.R.P.NPD[MD]No.2667 of 2016  
19.09.2018