



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (MD) No.2670 of 2016 (NPD)
and
C.M.P. (MD) .No.12526 of 2016

S.Raj (died)
1.R.Gnanasoundari
2.R.Sekar
3.R.Anbazhagan
4.R.Murali
5.R.Senthamil Selvei

.. Petitioners/
Respondents 4 to 8/
LR's of the 3rd respondent/
3rd parties LR's of the
3rd Defendant

vs.

1. M.Santhasornam

.. 1st Respondent/ Petitioner/
Plaintiff

2.T.Bagavathi Thirumalai Muthusamy
3.R.Rajendran

.. Respondents 2 &3/
Petitioners 1 & 2/
Defendants 1 & 2

4.Lakshmiammal

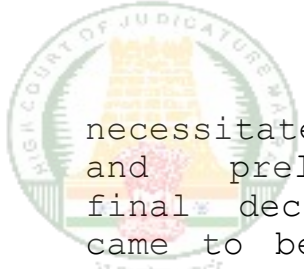
.. 4th Respondent/
9th Respondent/
LR of the 3rd respondent/
3rd parties LR of the
3rd Defendant

PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the fair and decretal order dated 07.04.2015 in E.P.No.67 of 2009 in O.S.No.215 of 1999 on the file of the Principal Sub Court, Tirunelveli.

For Petitioners	: Mr.V.Meenakshisundaram for M/s.D.Nallathambi
For Respondent No.1	: Mr.K.K.Muthu
For Respondent Nos.2 to 4	: No Residence

ORDER

The revision petitioners are the legal heirs of the third respondent in O.S.No.215 of 1999. The first defendant had mortgaged the suit property in favour of the plaintiff Santha Sornam. The said property had been purchased by the third defendant subject to mortgage. The mortgagor had defaulted. That



necessitated filing of O.S.No.215 of 1999. The suit was decreed and preliminary decree was passed on 04.04.2001. On 11.11.2008 final decree in I.A.No.269 of 2008 in O.S.No.215 of 1999 came to be passed. Thereafter, E.P.No.67 of 2009 was filed. By order, dated 07.04.2015 sale was ordered. That is under challenge in this civil revision petition.

2. Heard the learned counsel for the revision petitioners as well as the plaintiff.

3. Though a number of contentions were urged by the learned counsel for the revision petitioners, this Court suggested that the revision petitioners should rather satisfy the suit claim and also pay some cost to the plaintiff. This suggestion was accepted by the learned counsel for the revision petitioners and the revision petitioners agreed to pay a sum of Rs.2,35,000/- towards full and final settlement of the mortgage. The revision petitioners seek three months time to make the said payment.

4. Since the revision petitioners have come forward to discharge their mortgage debt and also pay some cost, this Court is of the view that the order in question can be set aside and the EP itself can be terminated. Of course, the execution proceedings will be put on hold till compliance is reported by the revision petitioners before the Executing Court. Upon filing of such compliance report, the Executing Court will terminate E.P.No.67 of 2009. The Civil Revision Petition is allowed on these terms. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Principal Sub Judge,
Tirunelveli.

2. The Section Officer, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.S.Muthu, Advocate Sr.No.78579

+1cc to Mr.D.Nallathambi, Advocate Sr.No.78499

PJL

VB/SV/SAR2/06.09.2018/ 2P/ 6C

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

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