WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P.(MD) No.1237 of 2019
and
C.M.P(MD).No.6878 of 2019

1.V.Padmarani
2.V.Rajarajeswari
3.V.Gowri
4.V.Saroja :Petitioners/Respondents 3 to 6
/Defendants 3 to 6

-Vs-

1.A.Ramanujam :Respondent/Petitioner/Plaintiff

2.V.Senthilkumar @Balaji
3.V.Dinesh Kumar :Respondents/Respondents 1 & 2
/Defendants 1 & 2

(Respondents 2 and 3 are set *exparte* in the suit
Notice dispense with)

Prayer: Civil Revision Petition filed under Section 115 of Code of Civil Procedure against the pendency of execution petition in E.P.No.1 of 2018 in O.S.No.36 of 2015 on the file of the learned I Additional District Judge, Madurai.

For Petitioners: Mr.P.Ganapthi Subramanian

O R D E R

This Civil Revision Petition has been filed against the pendency of execution petition in E.P.No.1 of 2018 in O.S.No.36 of 2015 on the file of the learned I Additional District Judge, Madurai.

2.The first respondent herein is the plaintiff in the suit in O.S.No.36 of 2015. The said suit was decreed on 10.03.2017 and the trial Judge directed the Defendants to pay the decree amount jointly and severally within six months. Since the petitioners, respondents 2 and 3 herein/Judgment Debtors have not complied with the order,

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

WEB COPY

the first respondent/Decree Holder preferred an Execution Petition in E.P.No.1 of 2018 in O.S.No.36 of 2015 for an order of attachment of the petition mentioned properties and the same was allowed. Against which, the present Civil Revision Petition has been filed by the petitioners/Judgment Debtors.

3.I have heard the learned counsel appearing for the petitioners and perused the materials available on record.

4.Perusal of record shows that the learned trial Judge has observed the fact that the first respondent/decree holder is entitled to recover the decree amount from the petitioners, respondent Nos.2 and 3/Judgment debtors to the extent of their shares in the estate of the deceased Subbulakshmi. Though the petitioners herein have preferred an appeal in A.S.No.133 of 2018 before this Court against the decree passed by the Court below, the interim stay granted in C.M.P.No. 7014 of 2018 has been vacated due to non compliance of the conditional order passed in the Decree and hence, the trial Court has proceeded with the E.P., where I do not find any infirmity.

5.In view of the above, this Court does not find any valid reason to interfere with the order passed by the learned I Additional District Judge, Madurai, in E.P.No.1 of 2018 in O.S.No.36 of 2015, dated 05.01.2019 and hence, this petition is liable to be dismissed. Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.I Additional District Judge
Madurai

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

msa

C.R.P.(MD) No.1237 of 2019
and
C.M.P(MD).No.6878 of 2019
02.08.2019

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

_KK/SAR/26.08.2019/2P-4C/