

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.396 of 2018

N.M.Sivakumar

.. Petitioner/Plaintiff

Vs.

S.Kanagaraj

..Respondent/Defendant

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the fair and final order dated 19.01.2017 made in E.P.No.39 of 2016 in O.S.No.421 of 2011 on the file of the court of Additional Subordinate Judge, Erode by allowing this Civil Revision Petition.

For Petitioner : Mr.C.E.Pratap

For Respondent : Mr.N.Manokaran

O R D E R

This matter is taken up for hearing through Video-Conferencing.

2. The petitioner has come up with this Revision challenging the dismissal of the Execution Petition seeking sale of the property in execution of the decree for money obtained by him. The reason for dismissal is that the decree holder had not taken steps for establishing that the property that is sought to be sold belongs to the Judgment debtor.

3. I have heard Mr.C.E.Pratap, learned counsel appearing for the petitioner and Mr.N.Manokaran, learned counsel appearing for the respondent.

4. Though the trial court cannot be faulted for dismissing the Execution Petition on the ground of absence of evidence, it is made clear that it will be open to the decree holder to file a fresh Execution Petition with proper particulars and in such an event the Executing Court will deal with the matter and

Page numbers

dispose it of in accordance with law without being influenced by the observations made in either the impugned order or in this revision. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dsa

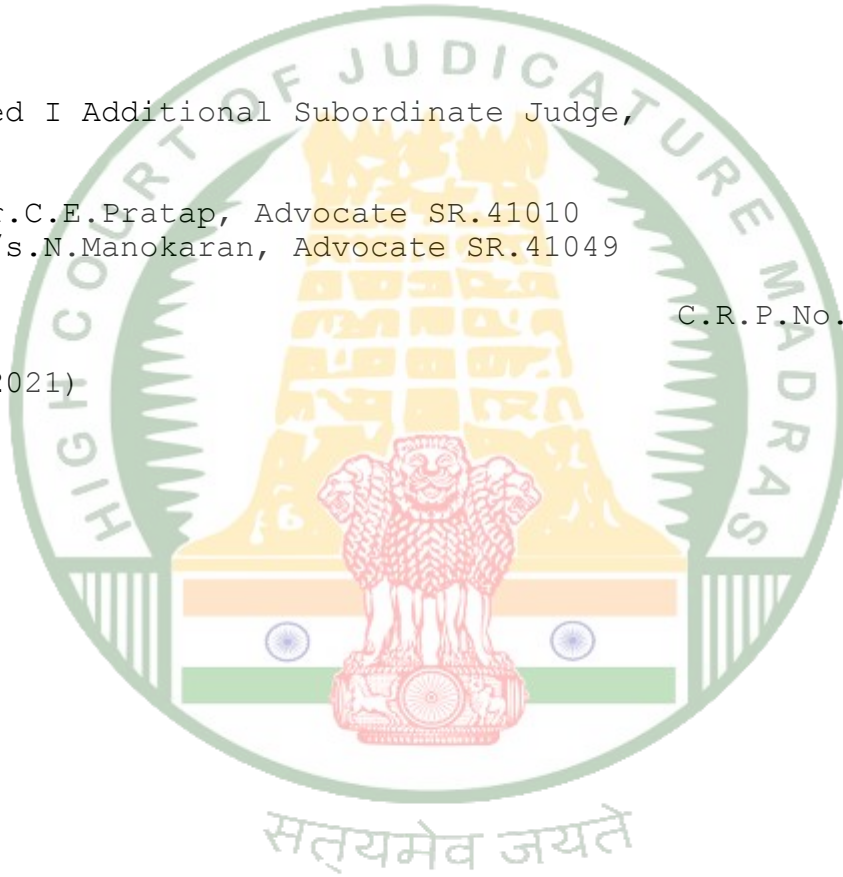
To

The learned I Additional Subordinate Judge,
Erode.

+1cc to Mr.C.E.Pratap, Advocate SR.41010
+1cc to M/s.N.Manokaran, Advocate SR.41049

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SR II (CO)
CB (19/01/2021)



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Page numbers