



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. (NPD) (MD) No.539 of 2013

and

M.P(MD)No.1 of 2013

and

M.P(MD)No.1 of 2014

Silukur Narayana Samy Naidu ... Petitioner/2nd Respondent/
2nd Respondent/2nd Defendant

-Vs-

1.N.Thirugnanam ...1st Respondent / Petitioner/
Auction Purchaser

2.The Manager,
Union Bank of India,
Thiruthangal Branch,
Door.No.217, Virudhunagar Road,
Thiruthangal,Virudhunagar District...2nd Respondent/1st Respondent
/ Petitioner / Plaintiff

3.Sakkammal

4.Mythili ...Respondents 3 & 4/ Respondents 4 & 5
Respondents 2 & 3

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the petition and order passed in E.A.No.132 of 2008 in E.P.No.60 of 2001 in O.S.No.66 of 1990 dated 22.02.2013 on the file of the Sub Court, Sivakasi.

For Petitioner: Mr.C.Sundaravadivel
For R1 : Mr.A.V.Arun
For R2 : Mr.R.Pandivel
For R3 & R4 : Mr.P.Mahendran

O R D E R

This Civil Revision Petition is directed against the order passed by the Executing Court directing the delivery of the first schedule property, the sale of which, was confirmed by the Hon'ble Supreme Court of India pursuant to the compromise, dated 02.01.2013.

2.The petitioner herein is one of the judgment debtors in the suit and he had suffered an ex-parte preliminary decree, ex-parte final decree and in the execution proceedings no notice was ordered



to him, therefore, he had come up challenging the order of delivery passed on 22.02.2013.

3.It is seen from the order of the Hon'ble Supreme Court of India, dated 02.01.2013 that the petitioner herein was not made as a party to the compromise and he had objected the compromise. The Hon'ble Supreme Court of India had observed that his rights, if any, could be worked out in an appropriate proceedings. Therefore, the rights of the petitioner herein has been preserved by the Hon'ble Supreme Court of India. Hence, the executing Court was not right in ordering delivery without hearing him. Therefore, the order of the Sub-Court, Sivakasi dated 22.02.2013 is set aside and the Sub-Court, Sivakasi is directed to hear the petitioner and pass orders afresh.

4. Accordingly, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

am

To

1. The Subordinate Judge,
Sivakasi.

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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-8250[F] dated 25/02/2020)

+2 CC to M/s.A.V.ARUN, Advocate (SR-8820[F] dated 27/02/2020)

+1 CC to M/s.R.PANDIVEL, Advocate (SR-8156[F] dated 25/02/2020)

C.R.P. (NPD) (MD) No.539 of 2013

25.02.2020

SMA/13/03/2020/2P/8C