



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (MD)No.998 of 2020

P.Senthil Selvi

... Petitioner/Petitioner/
9th Judgement debtor

Vs.

Indian Overseas Bank,
Formerly known as
The South Indian Bank Ltd,
and Bank of Tamilnad
131, East Car Street,
Tirunelveli - 627006.

... Respondent/Decree Holder/
Plaintiff

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal Sub Judge, Tirunelveli to number the unnumbered EA in A.No.3765/20 in EP 84/1977 in OS.No.86 of 1972 on the file of the learned Principal Sub Judge, Tirunelveli.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji
for M/s.Dhana Law Associates

O R D E R

The Judgment Debtor in E.P.No.84 of 1977 has preferred this civil revision petition challenging the return of his petition filed under Section 47 of CPC in an unnumbered E.A. Of 2019.

2.The short question is; the respondent Bank has laid O.S.No.86 of 1972 for recovery of a sum of Rs.53,568/-. That suit was decreed and subsequently, the respondent has laid E.P.No.84 of 1997 and brought the property of the revision petitioner to sale. The property was attached and sale was confirmed on 10.09.1979. After closely 41 years, the revision petitioner/Judgment Debtor has filed an E.A of 2019 under Section 47 of CPC alleging certain illegality in the manner of attachment and sale of the property.

3.The petition has been rightly returned by the trial Court. In a petition to set aside the Court auction sale after 41 years, whatever be the ground, it is a shocking abuse of judicial process. The Judgment Debtor, who had the opportunity under the procedural law to challenge the same at the appropriate stage, before the Execution Court, has slept over his rights for 41 years.



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4.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Principal Sub Judge,
Tirunelveli.

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

+1CC to M/s.V.A.Dhana Aravindha Balaji, Advocate, SR.No.25006

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