



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P. (MD).No.529 of 2021
and
C.M.P. (MD)No.2818 of 2021

A.Karunagamoorthy : Petitioner/Respondent
Respondent/Defendant

Vs.

1.C.Palaniyammal : 1st Respondent/Petitioner/
Petitioner/ Plaintiff

2.K.Malaichamy : 2nd Respondent/Auction Purchaser/
3rd Party/3rd Party

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the ex-parte order in E.A.No.12 of 2020, dated 05.01.2021 and made in E.P.No.112 of 2010 in O.S.No.761 of 2008 on the file of the Sub-ordinate Judge,Usilampatti.

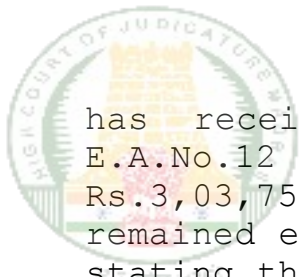
For Petitioner : Mr. K.Suresh
For Respondents : Mr.J.Senthil Kumaraiah, for R1.
: Mr.R.Rajamohan, for R2.

O R D E R

The Civil Revision Petition is directed against the order passed in E.A.No.12 of 2020, dated 05.01.2021 in E.P.No.112 of 2010 in O.S.No.761 of 2008 on the file of the Sub-ordinate Judge,Usilampatti.

2.It is evident that after passing of final decree, Execution Petition was laid in E.P.No.112 of 2010 and the second respondent has become the successful bidder and purchased the property in Court auction for Rs.4,51,000/- and the sale was confirmed.

3.It is further evident that as per order of this Court passed in CMP(MD)No.6074 of 2016, dated 23.06.2016, the defendant had deposited the part amount of Rs.2,00,000/-. Since the petitioner



has received Rs.2,00,000/-, he has filed an application in E.A.No.12 of 2012 for withdrawal of remaining amount of Rs.3,03,752/-. Since the revision petitioner/first respondent has remained ex-parte, the learned Judge has passed the impugned order stating that there is no legal impediment in issuing the cheque as the sale was already confirmed and the sale certificate was already ordered to be issued and directed the issuance of cheque for Rs.3,03,752/-.

4.It is informed that the first respondent has already received the cheque. The learned counsel for the revision petitioner would admit that the first respondent alone is entitled to get that amount and accordingly, they have received the amount.

5.Considering the above, there is nothing survives for further adjudication in the present Civil Revision Petition. Hence, the Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

das

TO:

1.The Sub-ordinate Judge,Usilampatti.

2.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SURESH, Advocate (SR-20369[F] dated 28/06/2021)

+1 CC to M/s.J.SENTHILKUMARAIAH, Advocate (SR-20554[F] dated 29/06/2021)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but,

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ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

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and**

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AS (05.07.2021) 3P 5C