



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P(MD).No.995 of 2021 and
CMP(MD).N. 5666 of 2021

Puspaleela : Petitioner / defendant

Vs.

Kaleel : Respondent / Plaintiff

PRAYER:- Civil Revision Petition filed under Section 115 CPC to set aside the fair and decreetal order dated 15.02.2021 passed by the Subordinate Court, Kuzhithurai in E.A.No.205 of 2017 in E.P.No.51 of 2012 in O.S.No.177 of 2011.

For petitioner : Ljeen Felix

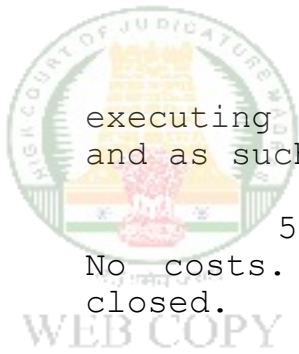
ORDER

The revision is directed against the order passed in E.A.No.205 of 2017 in E.P.No.51 of 2012 in O.S.No.177 of 2011 on the file of the Subordinate Court, Kuzhithurai.

2. The revision petitioner is the defendant. The respondent / plaintiff has filed the above suit for specific performance and the suit was decreed on 25.04.2012. The revision petitioner has filed an application for setting aside the ex parte decree along with the application to condone the delay in filing the said petition and after contest the same was ordered to be dismissed. The revision petitioner has challenged the said order and the same was also ended in dismissal. Meanwhile, the decree holder has laid execution petition in E.P.No. 51 of 2012 and got the sale deed executed from the Court. Thereafter, he has filed the present application seeking delivery.

3. The learned counsel for the revision petitioner would submit that sale agreement was executed only as security for loan transaction and that the value of the property would fetch more than Rs.15,00,000/-.

4. The above said aspects cannot be gone into, as the Executing Court has no jurisdiction to go behind the decree. The revision petitioner has not raised any valid reason or ground disputing the order of delivery. Hence, the decision of the



executing Court in ordering delivery cannot be found fault with and as such, this Court is not inclined to admit the revision.

5. Accordingly, the Civil Revision petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Subordinate Court, Kuzhithurai.

C.R.P(MD).No.995 of 2021 and
CMP(MD).No. 5666 of 2021
20.07.2021

TR(05.08.2021) 2P 2C