



C.M.P.No.15727 of 2022
in
C.R.P.SR.No.88587 of 2022

S.SOUNTHAR, J.

This Civil Miscellaneous Petition has been filed seeking leave to file the above Civil Revision Petition.

2. The petitioner herein claimed himself as a successful auction purchaser in a Court auction conducted in E.P.No.104 of 2016 in O.S.No.83 of 2015 on the file of the Subordinate Court, Arakkonam. According to the petitioner, the Court auction sale in his favour, was confirmed on 26.10.2021 and the sale certificate was issued in his favour on 24.03.2022. Both the respondents who were aware of the pendency of the E.P proceedings in E.P.No.104 of 2016, colluded together and obtained collusive specific performance decree in favour of the first respondent as against the second respondent in O.S.No.30 of 2017 on the file of the II Additional District and Sessions Court, Ranipet and got the sale deed executed through Court on 24.02.2021. The sale deed executed on 24.02.2021 in favour of the first respondent was in violation of the order of attachment passed in E.P.No.104 of 2016 on 18.07.2017.

3.Learned counsel for the petitioner further submitted that any alienation



violating the earlier attachment order, is not valid. In pursuance of the collusive decree obtained by the first respondent, he filed E.P for delivery and in E.A.No.1 of 2021 in E.P.No.76 of 2019 on the file of the Additional District Court, Vellore @ Ranipet, delivery was ordered in favour of the first respondent. He further submitted that though he is not a party to the order in E.A.No.1 of 2021, he is a person aggrieved by the order and hence he is entitled to maintain a Revision and consequently, seeks leave of the Court.

4. Having regard to the fact that the Revision Petitioner is a purchaser of the property in Court auction sale and the sale deed executed in favour of the first respondent dated 24.02.2021 is subsequent to the order of attachment dated 18.07.2017, this Court is inclined to grant leave to the petitioner. Accordingly, the petitioner is granted leave to file the Revision Petition. Hence, this Civil Miscellaneous Petition is allowed.

14.09.2022

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