



C.R.P. (NPD) .No. 3051 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.3051 of 2021

and

C.M.P.No.21560 of 2021

K.Balasubramaniam

.. Petitioner

Vs.

R.Thiruvankadam

.. Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the docket order dated 25.11.2021, passed in E.P.No.78 of 2019 in O.S.No.579 of 2013, on the file of IV Additional District Judge of Coimbatore and allow this Civil Revision Petition.

For Petitioner : Mr.S.Parthasarathy, Senior Counsel
for Mr.K.S.Navin Balaji

ORDER

The only objection taken by the learned Senior Counsel, to the order of the trial Court attaching the property mentioned in the execution petition, is that the property that is sought to be attached measuring 6 acres and 91

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cents in Somandhurai Village, Pollachi Taluk does not belong to the petitioner/Judgment debtor. If that is so, it is open to the owner of the property to raise the dispute regarding the validity of the attachment. I do not think the petitioner can question the order of attachment on the ground that the property attached does not belong to him.

2. Moreover, the petitioner has not complied with the conditional order passed by this Court for granting stay of execution of the decree. The petitioner's application for modification is pending.

3. This Revision is **dismissed** with the observation that the order passed in this Revision will not prejudice the cause of the petitioner in the application seeking modification of the order imposing condition,. No costs. Consequently, the connected miscellaneous petition is closed.

10.01.2022

dsa
Index : No
Speaking order

To
The IV Additional District Judge, Coimbatore.

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R.SUBRAMANIAN, J.

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