



C.R.P. No.3508 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 30.11.2022

CORAM

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.No.3508 of 2017  
and  
C.M.P. No. 16274 of 2017

Mr.Arunagirinathan,  
S/o. Krishnagounder

... Petitioner

Versus

1. Mr. Ganapathy,  
S/o. Arumugam

2. N.Pandurangan,  
S/o. Subba Reddiyar

(R2 impleaded as party respondent  
vide court order dated 22.10.2021  
made in C.M.P. No.8761 of 2021  
in C.R.P. No.3508 of 2017)

... Respondents

**PRAYER :** Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the docket order passed in E.P. No.167 of 2007 in O.S.No.192 of 2006 dated 19.08.2017, on the file of Principal District Munsif cum Judicial Magistrate Court, Chengam.



C.R.P. No.3508 of 2017

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.P.Mani for R1

Mr.V.Murali for R2

### **ORDER**

Challenging the impugned order passed in E.P.No.167 of 2007 in O.S.No.192 of 2006, on the file of Principal District Munsif cum Judicial Magistrate Court, Chengam, the judgment debtor/defendant preferred this Civil Revision Petition.

2. Today, when the matter taken up for hearing, both learned counsel for revision petitioner as well as learned counsel for respondents 1 and 2 appeared and submitted that the dispute was settled between the parties out of court.

3. As per the settlement arrived between the parties, the defendant paid a sum of Rs.6,75,000/- by way of demand draft to the auction purchaser. Accordingly, the auction sale held before the executing court is set aside. Furthermore, as per the decree, the plaintiff is entitled to receive a sum of Rs.1,18,437/- (Rupees one lakh eighteen thousand four hundred



C.R.P. No.3508 of 2017

thirty seven only) and already the auction purchaser deposited a sum of Rs.2,25,000/- (Rupees two lakhs twenty five thousand only) before the executing court in E.P. No.167 of 2007 on the file of learned District Munsif, Chengam in O.S.No.192 of 2006. Therefore, the decree holder is permitted to withdraw the decree amount of Rs.1,18,437/- from the said court deposit. The remaining balance amount of Rs.1,06,563/- (Rupees one lakh six thousand five hundred sixty three only) in the court deposit, the defendant is entitled to withdraw the said amount. Today, before this court, a demand draft for a sum of Rs.6,75,000/- submitted by the judgment debtor and the same was handed over to the learned counsel for auction purchaser. Accordingly, this Civil Revision Petition is dismissed as settled out of court. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**30.11.2022**

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To

Principal District Munsif  
cum Judicial Magistrate,  
Chengam.

3/4



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C.R.P. No.3508 of 2017

**T.V.THAMILSELVI, J.**

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C.R.P. No.3508 of 2017

**30.11.2022**