



C.R.P.(NPD).No.3191 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.07.2023**

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD).No.3191 of 2014
and M.P.Nos.1 & 1 of 2014

D.Haridas

... Petitioner

Vs

1.Suseela
2.Sooryapraba
3.Sathish
4.Malarvizhi
5.Jagadeeswari
6.Dhanaprabhu
7.Alagesan
8.Pachala
9.Vanaja

... Respondents

PRAYER:-Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to under Article 227 of the Constitution of India praying to set aside the order in E.P.No.73 of 2013 in O.S.No.85 of 2010, dated 17.06.2014 on the file of the learned Subordinate judge, Tindivanam.



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For Petitioner : Mr.R.Vijayaraghaven

For Respondent : No appearance

ORDER

The above captioned Civil Revision Petition has been filed to set aside the order in E.P.No.73 of 2013 in O.S.No.85 of 2010, dated 17.06.2014 on the file of the learned Subordinate judge, Tindivanam.

2.The 1st defendant is the petitioner. The suit for partition and for maintenance has been filed in O.S.No.138 of 2004. The said suit was decreed on 07.01.2013. In order to execute the decree that the plaintiffs had obtained, an Execution Petition was filed in E.P.No.73 of 2013. The claim in the E.P. is Rs.9,93,370/-. The Execution Petition is sought for the sale of the properties which had been charged. Since, there was no order of stay of execution, the trial Court ordered attachment of the property. This has been challenged in the present Revision.

3.The petitioner is admittedly the judgment debtor and on account



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of the fact that he has not satisfied the decree, the decree holder has been pushed and constrained to file an Execution Petition. If there is no stay of proceedings, the Executive Court is entitled to proceed further and execute the decree. Therefore the order of the Court dated 17.06.2014 does not require any interference.

4. Accordingly, the Civil Revision Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

06.07.2023

gba

Index: Yes/ No

Speaking order: Yes/ No

Neutral Citations: Yes/ No

To

The Subordinate Judge,
Tindivanam.

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V. LAKSHMINARAYANAN

Gba

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