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C.R.P.(MD)No.205 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.205 of 2021

and

C.M.P.(MD)No.1257 of 2021

Selvaraj, S/o.Vellaichamy

.. Petitioner

Versus

Rajendran, S/o.Murugan

.. Respondent

Prayer :- Petition filed under Section 115 of C.P.C., against the order and decree dated 17.03.2020, made in E.P.No.62 of 2018 in O.S.No.33 of 2014, on the file of the Additional District Court, Dindigul, Dindigul District.

For Petitioner

: Mr.G.Gomathi Sankar

ORDER

Though this case came up for admission on 15.02.2021 and thereafter, it has been adjourned from time to time, so far, notice has not been ordered.

2. This Civil Revision Petition has been filed against the order and decree dated 17.03.2020, made in E.P.No.62 of 2018 in O.S.No.33 of 2014, on the file of the Additional District Court, Dindigul, Dindigul District, which was decreed on 31.10.2017.

<https://www.mhc.tn.gov.in/judis>



3. The specific case of the petitioner/defendant is that the respondent/plaintiff [decree holder] had filed I.A.No.96 of 2014 for attachment of the property before judgment. However, the property was sold to one Sivakumar. It is the further case of the petitioner that the respondent unsuccessfully challenged the order dated 03.11.2015, made in I.A.No.96 of 2014, in C.R.P.(MD)No.505 of 2016. It is submitted that the same property has now been ordered to be attached.

4. There is no merit in the present case as the suit has been decreed on 31.10.2017 and a sale has been effected by the petitioner to the said Sivakumar during the pendency of the suit in O.S.No.33 of 2014, on the file of the Additional District Court, Dindigul, Dindigul District.

5. The rights of the respondent has been attempted to be defeated by making sale during the pendency of the suit even though the respondent had filed I.A.No.96 of 2014 for attachment of the property before judgment. In any event, the petitioner having sold the property to the said Sivakumar, has no rights over the property and the person, who can complain is only the subsequent purchaser/alienee, namely, Sivakumar. In the E.P. proceedings, it is for the said Sivakumar to move appropriate proceedings for raising objection to the execution of the decree.



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6. This Civil Revision Petition stands dismissed with the above observation.

No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

07.03.2023

To

The Additional District Judge,
Dindigul, Dindigul District.



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C.SARAVANAN, J.

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Order made in
C.R.P.(MD)No.205 of 2021

07.03.2023