



C.R.P(MD)No.1158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1158 of 2023

and

C.M.P(MD)No.5527 of 2023

V.Mohanraj

... Petitioner/Respondent/
Defendant

Vs.

K.Hema Shankar

... Respondent/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order made in E.P.No.19 of 2022 in O.S.No.8 of 2020, dated 06.03.2023 on the file of the Sub Court, Sattur.

For Petitioner : Mr.P.Sujai Krishna

ORDER

The present Civil Revision Petition has been filed against the faira and decreetal order order made in E.P.No.19 of 2022 in O.S.No.8 of 2020, dated 06.03.2023 on the file of the Sub Court, Sattur.

2. The petitioner is the defendant in O.S.No.8 of 2020 filed by the respondent/plaintiff. The said suit was filed to recover the money from



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the petitioner. The suit was decreed by the Sub Court, Sattur by a judgment and decree, dated 04.01.2022.

3. Aggrieved by the same, the petitioner has filed an appeal before the Principal District Court, Srivilliputhur in A.S.No.12 of 2022 on 08.03.2022. In the said appeal, the petitioner has filed I.A.No.1 of 2022 to stay the operation of the judgment and decree, dated 04.01.2022 passed by the Sub Court, Sattur in O.S.No.8 of 2020. Meanwhile, the respondent has filed E.P.No.19 of 2022 on 10.03.2022. In E.P.No.19 of 2022, the respondent sought to attach the dwelling house and vacant site of the petitioner and also sought for prayer to auction the same.

4. The learned counsel for the petitioner submits that I.A.No.1 of 2022 in A.S.No.12 of 2022 is listed before the Principal District Court, Srivilliputhur on 22.06.2023. It is further submitted that the respondent has filed counter only on 28.03.2022. It is submitted that the petitioner's asset has been under valued though the value is much higher. It is submitted that the petitioner may be given a temporary reprieve till the enquiry is held in I.A.No.1 of 2022.



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5. I am of the view that the petitioner has made out a case for temporary reprieve subject to the petitioner depositing 50% of the decreed amount subject to the credit before the Principal District Court, Srivilliputhur within a period of four weeks. Subject to such compliance, the proposed auction shall be kept in abeyance and shall be proceeded after the disposal of the I.A.No.1 of 2020 filed by the petitioner to stay the judgment and decree, dated 04.01.2022 in O.S.No.8 of 2020. It is made clear that the Sub Court, Sattur is free to proceed with the execution proceedings subject to the outcome of the I.A.No.1 of 2022 filed by the petitioner before the Principal District Judge, Srivilliputhur. The Principal District Judge, Srivilliputhur is directed to dispose of the I.A.No.1 of 2022 by 30.06.2023.

6. The present Civil Revision Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

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

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To

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- 1.The Sub Court, Sattur.
- 2.The Principal District Judge,
Srivilliputhur.
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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