



C.R.P(MD)No.193 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.193 of 2024

and

C.M.P(MD)No.834 of 2024

Duraikannu

... Petitioner

Vs

John Steefan Thiagarajan

... Respondent

Prayer : Civil Revision Petition is filed under Article 115 of C.P.C., to set aside the sale conducted on 03.01.2024 and the order dated 16.11.2023 made in E.P.No.15 of 2023 in O.S.No.160 of 2020 on the file of the learned Subordinate Court, Keeranur and to direct the learned Subordinate Court, Keeranur to comply the provisions of Order 21 Rule 66(2), 67(1), 67(2), 69(2) of CPC and allow this Civil Revision Petition.

For Petitioner : Mr.V.Santhakumaresan

For respondent : Mr.B.Prahalad Ravi



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ORDER

This Civil Revision Petition is filed to set aside the sale conducted on 03.01.2024 and the order dated 16.11.2023 made in E.P.No.15 of 2023 in O.S.No.160 of 2020 on the file of the learned Subordinate Court, Keeranur and to direct the learned Subordinate Court, Keeranur to comply the provisions of Order 21 Rule 66(2), 67(1), 67(2), 69(2) of CPC and allow this Civil Revision Petition.

2. The suit in O.S.No.160 of 2020 was filed by the respondent and the same was decreed on 22.02.2022 by the Subordinate Court, Manapparai. The decree was transmitted to the learned Subordinate Judge, Keeranur for execution. It was taken on file in E.P.No.15 of 2023. The respondent namely the revision petitioner herein remained *ex parte* on 06.07.2023, due to the non-filing of the counter. Later, the sale process was undertaken and after fixing valuation, was brought for sale. Properties were sold on 03.01.2024 for a sum of Rs.12,00,100/-. The auction purchaser has deposited Rs.3,64,000/- on 03.01.2024. The balance amount was also deposited on various dates and now the case is



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posted to 29.01.2024, for producing Non Judicial Stamp papers. Later, the revision petitioner filed E.A.No.1 of 2024 under Order 21 Rule 89 of C.P.C., and under Section 161 of C.P.C. That is the present stage of the E.P., proceedings.

3. Now this revision has been preferred by the judgment debtor stating that no separate notice was issued to him at the time of settlement of sale proclamation. Order 21 Rule 67 of C.P.C., is not properly complied ; So the sale conducted is *per-se* illegal ; The value of the property is more than Rs.2 Crores. But the property was sold for a very meagre amount.

4. During the pendency of this matter, a proposal was made by the revision petitioner to settle the entire decree amount. On that account, the matter was referred to the Mediation and Conciliation Centre, but no settlement could be arrived between the parties before the Mediation Centre. The matter is referred back to the Court.

5. A report has been called for from the trial Court. The report



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indicates that E.A.No.1 of 2024 is filed and posted to 08.02.2024. This revision was filed on 04.01.2024. After filing of this revision, it appears that E.A.No.1 of 2024 was taken on file by the execution Court on 05.02.2024. Again a query was made to the revision petitioner whether any amount was deposited along with E.A.No.1 of 2024. It was submitted that no deposit was made.

5. In view of the above submission, nothing survives for further adjudication in the matter. The petitioner is at liberty to work out remedy before the execution Court in E.A.No.1 of 2024.

6. With the above observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

20.03.2024

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

1.The Subordinate Court, Keeranur.

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2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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