



C.R.P.(MD)No.562 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.562 of 2021
and C.M.P.(MD).No.3020 of 2021

PR.Alagappan ... Petitioner/Petitioner

Vs.

P.Chellammal ... Respondent/Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the docket order of rejection of sale paper, dated 25.11.2019 made in E.P.No.39 of 2016 in O.S.No.45 of 2015 on the file of the Sub Court, Devakottai and set aside the same and consequently, directing the learned Court below to receive the sale papers.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondent : Mr.K.R.Ramarajan

ORDER

This revision petition has been filed to set aside the docket order of rejection of sale paper, dated 25.11.2019 made in E.P.No.39 of 2016



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in O.S.No.45 of 2015 on the file of the Sub Court, Devakottai.

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2.Heard the counsel on either side.

3.The learned counsel for the petitioner submits that after passing of the decree in the suit, the above said E.P was filed before the execution Court. The sale papers also produced in the above said E.P. By the impugned order, the sale papers was rejected citing the mortgage created in the year 2012. He would further submitted that the mortgage that is pointed out by the execution court itself was also time bared. That cannot be taken into account.

4.The petitioner must rectify all the defects pointed out by the execution Court. The petitioner shall appear before the concerned Court itself and file fresh sale papers, making endorsement in respect of the earlier mortgages. Considering the facts and circumstances of the case, there shall be a direction to the Execution Court namely the Sub Court, Devakottai, to process the Sale papers as per law and proceed with execution process by restoring the execution petition. For that purpose



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the original sale papers be returned to the revision petitioner by the Registry by following due procedure of law.

5.With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

06.11.2024

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

- 1.The Subordinate Judge, Devakottai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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