



C.R.P.(MD).No.976 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.976 of 2019

and

C.M.P.(MD)No.5462 of 2019

M.Thiruselvi

... Petitioner

-vs-

Amirtha Arockiya Selvi

... Respondent

PRAYER: Petition filed under Section 115 of the Civil Procedure Code, to set aside the order made in E.P.No.5 of 2017 in O.S.No.30 of 2014 passed by the learned District Judge, Sivagangai dated 28.03.2019.

For Petitioner : Mr.M.Shanmuga Sundharam

For Respondent : Mr.R.Udayakumar

ORDER

The present revision petition has been filed by the judgment debtor in O.S.No.30 of 2014 on the file of the District Court, Sivagangai, challenging



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the order of auction sale in E.P.No.5 of 2017. The execution petition in E.P.No.5 of 2017 has been filed for recovery of sum of Rs.23,69,946.75.

2. Pending execution proceedings, a settlement was arrived at between the decree holder and the judgment debtor on 02.08.2018. Based upon the said settlement, the judgment debtor has paid a sum of Rs.14,00,000/-. Since the balance amount was not paid by the judgment debtor, the decree holder proceeded with the execution petition and the executing Court had directed the property to be sold on 28.08.2019. Challenging the said order, the present civil revision petition was filed.

3. Pending the civil revision petition, this Court has referred the matter to the mediation centre attached to this Court. In the mediation proceedings, the decree holder has agreed to receive a sum of Rs.12,30,000/- as full quit and the said amount has to be paid in installments and the last installment would fall on 01.04.2020. Though the judgment debtor has paid a sum of Rs.9,00,000/-, balance amount of Rs.3,30,000/- was not paid by him. At this stage, the revision petition is listed before this Court for final hearing.



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4. The learned counsel appearing for the respondent / decree holder brought to the notice of this Court that E.P.No.5 of 2017 has been dismissed for default by the Executing Court on 23.01.2020 and nothing survives in the present civil revision petition. It is made clear that if any fresh execution proceedings are laid, payment made by the judgment debtor to an extent of Rs.23,00,000/- shall be taken into account.

5. The mediation centre attached to this Court is directed to furnish copies of the settlement arrived at between the parties to the parties concerned. In view of the aforesaid fact, the present civil revision petition stand closed. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR, J.

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To

1. The District Judge, Sivagangai.
2. The Mediation Centre,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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