



C.R.P(MD)No.3020 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.3020 of 2024
and
C.M.P(MD)No.17242 of 2024

Premkumar

... Petitioner

Vs.

Adhiraj

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for records of the impugned proceedings of E.P.No.50 of 2014 in O.S.No.68 of 2010 on the file of the Sub Court, Aruppukottai, Virudhunagar District and struck of the same and consequently allow the Civil Revision Petition as prayed for.

For Petitioner : Mr.R.Murugappan



C.R.P(MD)No.3020 of 2024

ORDER

This Civil Revision Petition is preferred to strike off the execution proceedings in E.P.No.50 of 2014 on the file of the Sub Court, Arupukkottai.

2. According to the revision petitioner, the respondent as plaintiff has filed a suit for recovery of money in which a decree has been passed against the revision petitioner. Thereafter, a petition in E.P.No.50 of 2014 was filed for executing the decree and judgment. Pending E.P proceedings, third parties have filed an application to exclude the shares from the E.P proceedings and the same was also allowed. The contention of the revision petitioner is that the execution proceedings cannot be proceeded further without specifying the property to be auctioned and sold to release the decreetal amount. Therefore, a fresh petition has to be filed and the present Execution Petition has to be struck off.

3. Heard the learned Counsel for the petitioner and perused the materials available on record.



C.R.P(MD)No.3020 of 2024

4. Since the shares of the third parties have been excluded by the Execution Court by its order passed in the execution application, the Executing Court can proceed with the remaining property. Therefore, it is not necessary to file a fresh application to execute the decree. Therefore, the prayer for striking off the petition in E.P.No.50 of 2014 cannot be entertained.

5. Accordingly, this Civil Revision Petition stands dismissed as devoid of merits. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.12.2024

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

To

The Sub Court, Aruppukottai,
Virudhunagar District.

3/4



WEB COPY



C.R.P(MD)No.3020 of 2024

K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.3020 of 2024

03.12.2024