



C.R.P.(MD)No.2575 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2575 of 2017

T.Ravichandran

... Petitioner/2nd Respondent/
3rd Party

Vs.

1.The Canara Bank,
Rep. by its Senior Manager,
A.R.E.M.P.Tower,
Ramanathapuram Road,
Madurai District.

... Respondent/Petitioner/
Petitioner/Plaintiff

2.M.Manoharan

... Respondent/1st Respondent/
Respondent/Defendant

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 21.12.2015 passed in E.A.No.112 of 2011 in E.P.No.298 of 2000 in O.S.No.711 of 1996 on the file of the 1st Additional Sub Judge, Madurai.

For Petitioner : Mrs.P.Malini

For Respondents : Mr.R.Ananthraj for R1
No Appearance for R2



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ORDER

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This revision petition has been filed to set aside the fair and decreetal order dated 21.12.2015 passed in E.A.No.112 of 2011 in E.P.No.298 of 2000 in O.S.No.711 of 1996 on the file of the 1st Additional Sub Judge, Madurai.

2.The facts in brief:

To execute the decree and judgment in the final decree, that was passed on 23.06.1999 in O.S.No.711 of 1996, decree holder, who is the first respondent herein filed execution petition in E.P.No.298 of 2000, before the III Additional Sub Court, Madurai, to realize the amount of Rs.2,66,860.83, with future interest under Order 21 Rule 66 & 72(A) C.P.C., by bring on the sale of the petition mentioned property. Property was brought for sale and this petitioner is the auction purchaser. The sale conducted on 23.07.2010. Sale was confirmed in favour of the petitioner and he filed E.A.No.112 of 2011 before the I Additional Sub Court, Madurai, seeking delivery of possession, under Order 21 Rule 95. Delivery was also ordered. Warrant was about to be executed. At that time, the amin returned the warrant stating that there is discrepancy in the



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description of the property. Four boundaries mentioned in the Sale Certificate is relating to Plot No.20 and not Plot No.80. In pursuance of the above said amin return, a petition in E.A.No.1 of 2014 was moved by this revision petitioner, to correct the Plot No.80 as Plot No.20 in the description of property. The execution Court by the order dated 21.12.2015 closed the E.A, stating that since the property description does not tally with the Sale Certificate, E.A is not maintainable. Against which, this revision petition has been preferred.

3.The decree holder namely the first respondent is present before this Court and stated that he has no objection to grant the relief sought for by the petitioner.

4.Even though Paper Publication was effected, none appears on behalf of the second respondent/Judgment Debtor and his name was also printed.

5.The learned counsel for the petitioner would submit that by mistake in the description of property the plot number was wrongly



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mentioned as Plot No.80 instead of Plot No.20. In the final decree application itself, the above said description of property was wrongly mentioned as Plot No.80 instead of Plot No.20. But the description of property with reference to four boundaries has been correctly stated. It is also admitted by the first respondent herein. The second respondent who is the judgment debtor as mentioned above has not entered his appearance. The amin also verified the four boundaries with reference to the lie of the property and stated that the four boundaries is pertaining to only Plot No.20 and not Plot No.80. So only a clerical mistake has been committed by the decree holder namely the first respondent herein.

6.In view of the above, I am of the considered view that the Execution Court ought not to have closed the petition. But ought to have allowed the petition by making necessary amendments or corrections as the case may be in the Sale Certificate, simultaneously corrections also be carried out in the Suit Register, I.A. Register, E.P. Register and E.A. Registers on the application to be filed by the first respondent herein. So after completing the above said formalities, there shall be a direction to the Execution Court to correct or amend the Plot number accordingly in



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the Sale Certificate by restoring E.A.No.112 of 2011. Steps must be taken by the first respondent herein within a period of one week from the date of receipt of the copy of this order. Without correcting the Suit Register, I.A. Register, E.P. Register and E.A. Register, making corrections or amendment in the Sale Certificate may not be proper.

7.With the above said this revision stands allowed, of course subject to the above said directions. No costs.

04.11.2024

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

To

- 1.The I Additional Sub Judge, Madurai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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