



WEB COPY

C.R.P. NO.204 OF 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/12/2025

CORAM :

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P. NO.204 OF 2021

AND

C.M.P.NOS.1954 of 2021 & 7176 OF 2024

Senthamizh Finance,
By its Managing Partner,
145, Kulakkarai Street,
Namakkal Town,
Namakkal Taluk,

Namakkal District.
Respondent /
Petitioner

... Petitioner/ 1st

Vs.

1.V.K.Mani,
39, Sendamangalam Road,
Namakkal Town,
Namakkal Taluk,

Namakkal District.

... 1st

Respondent/Appellant

2nd Respondent

2.S.Paneerselvam,
Moongilpatty,
Chinnapeddampatty Village,
Namakkal Taluk,

Namakkal District.

... 2nd Respondent /
2nd Respondent/



C.R.P. NO.204 OF 2021

st
1 Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the Judgment and Decree dated November 02, 2019 made in C.M.A.No.5 of 2018 on the file of the Principal District Court, Namakkal partly modifying Fair and Decreetal Order dated October 6, 2017 made in I.P.No.60 of 1999 by the Sub Court, Namakkal and allow the Civil Revision Petition.

For Petitioner	: Ms.S.Shruthi Varshini for Mr.I.Abrar Mohamed Abdullah
For Respondent-1	: Mr.Shrish for Mr.N.Manokaran
For Respondent-2	: No residence

ORDER

Feeling aggrieved by the Judgment and Decree dated November 02, 2019 passed in C.M.A.No.5 of 2018 on the file of the 'Principal District Court, Namakkal' (hereinafter referred to as the 'Trial Court'), the First Respondent therein has preferred this Civil Revision Petition.

2.The Revision Petitioner herein is the Petitioner in I.P. No.60 of 1999 filed under Sections 6 and 9 of the Provincial Insolvency Act, 1920, praying to declare the 1st Respondent-S.Panneerselvam as an 'insolvent'.

Page No.2 of 6



C.R.P. NO.204 OF 2021

3.The Trial Court after hearing both sides vide Order dated October

06, 2017 declared the 1st Respondent as insolvent and directed the Official Receiver to initiate proceedings in respect of the Property covered under the Sale Deed executed by the 1st Respondent in favour of the 2nd Respondent.

4.Feeing aggrieved by the Fair and Decretal Order dated October 06, 2017, the 2nd Respondent-purchaser preferred an appeal in C.M.A.No.5 of 2018 before the Principal District Judge, Namakkal and the same was partly allowed vide Judgment and Decree dated November 02, 2019. The operative portion of the aforesaid Judgment is extracted hereunder:

“(1)That the said 1st respondent/ C.Panneerselvam the debtor herein, be and he hereby is adjudged insolvent;

(2)that the said insolvent do appear before the Official Assignee/Official Receiver within one week from the date of this order/from the date of service of this order;

(3)that the said insolvent do file in Court his schedule (Excluding the property found in Ex.R.1 Sale Deed dated 2.11.1998, registered on 11.2.1999) together with a copy thereof within 30 days from the date of this order/from the date of service of this order;

Page No.3 of 6



C.R.P. NO.204 OF 2021

(4)that the said insolvent shall apply for his discharge within a period of 18 months from this date; and

(5) that the said Official Assignee/Official Receiver do from and out of the estate of the insolvent (Excluding the property found in Ex.R.1 Sale Deed dated 2.11.1998, registered on 11.2.1999) herein pay to the said petitioning creditor his costs of this application, when taxed by the Taxing Officer of this court and noted in the margin hereof, with interest thereon at the rate of 6 per cent per annum from the date of taxation to the date of realization.”

5.Mr.Shrish, learned Counsel for Mr.N.Manokaran, learned Counsel

st
on record for the 1 Respondent submits that the Civil Revision Petition is not maintainable in view of the appeal remedy provided under Section 75 of 'the Provincial Insolvency Act, 1920' ('1920 Act' for short).

6.Ms.S.Shruthi Varshini appearing for **Mr.I.Abrar Mohamed Abdullah, Counsel** on record for the Revision Petitioner does not dispute the above legal position.

7.In view of the appeal remedy provided under Section 75 of the 1920 Act, this Civil Revision Petition is dismissed as not maintainable, with liberty to the Revision Petitioner to file an appeal under Section 75 of

Page No.4 of 6



C.R.P. NO.204 OF 2021

the 1920 Act.

8.It is needless to mention that if the Revision Petitioner files an appeal, he can very well plead exclusion of time spent in this Civil Revision Petition, under Section 14 of the Limitation Act, 1963.

9.With the above observations, this Civil Revision Petition is dismissed as not maintainable. Considering the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petitions are closed.

15/12/2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
pam

To

1.The Principal District Court,
Namakkal.

2.The Sub Court,
Namakkal.

Page No.5 of 6



WEB COPY



C.R.P. NO.204 OF 2021

R. SAKTHIVEL, J.

pam

C.R.P. NO.204 OF 2021

15/12/2025

Page No.6 of 6