



WEB COPY



CRP.No.352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.352 of 2025
and CMP.No.2169 of 2025

1.C.Sekar
2.S.Sarathbabu
3.S.Venkatesh

.. Petitioners

Versus

1.Akshaay Pareekh
2.C.Kishore

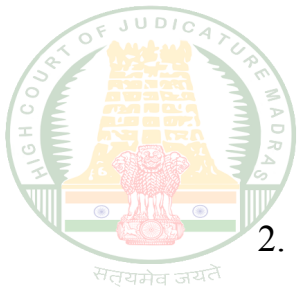
.. Respondents

Prayer: Petition filed under Section 115 of Code of Civil Procedure, to set aside the fair and decretal order dated 20.12.2024 passed in E.P.No.3166 of 2023 on the file of the learned X Assistant Judge, City Civil Court, Chennai.

For petitioners : Mr.J.Antony Jesus
For respondents : Mr.R.Subramanian for
Mr.S.Annamalai

ORDER

Challenging the order of the executing court in attaching the immovable property, the present revision has been filed.

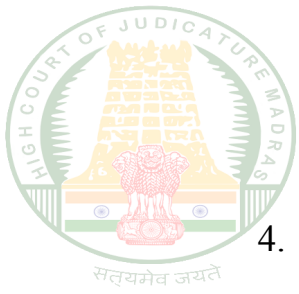


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2. The suit has been filed by the respondent in O.S.No.289 of 2022 on the file of the II Assistant Judge, City Civil Court at Chennai for recovery of money.

The said suit was decreed on 05.09.2022 directing the defendants/revision petitioners to pay a sum of Rs.17,08,141/- together with interest @ 9 p.a., from the date of decree and thereafter, 6% per annum till the date of realisation on principal amount and costs. To realise such decretal amount, execution petition has been filed in EP.No.3166 of 2023, wherein the attachment of the immovable property is ordered. Challenging the same, the present revision has been filed.

3. The only contention of the learned counsel for the revision petitioner is that the decree amount comes around Rs.19,93,000/-, whereas, properties worth of several crores have been attached. The revision petitioners have already handed over two sale deeds, viz., Doc.Nos.5618 and 5619 of 2011 dated 02.12.2011 situated at Vellore District and those documents have been exhibited in the suit as Exs.A3 and A4. It is his contention that if those documents are handed over to the revision petitioners, they will sell the property situated in Vellore and pay the entire decretal amount.



4. The learned counsel for the respondent has no serious objection and submitted that till the sale of those properties are taken place, the right of decree holder should be protected and the attachment order passed by the Trial Court shall continue till the decretal amount is realised by the decree holder.

5. Heard both sides and perused the materials placed on record.

6. Such view of the matter, in order to realise the decretal amount, this Court is of the view that the respondent/decreed holder shall take back the Exs.A3 and A4 filed in the suit after filing necessary application before the Trial Court and hand over the same to the revision petitioner/judgment debtor. Thereafter, the revision petitioner shall liquidate the property and settle the entire decretal amount. Till such time, the attachment order passed by the Executing Court in respect of the properties shall continue and the sale of the property pursuant to such attachment shall be postponed for a period of 6 months. Once the amount is realised, attachment shall be raised and the executing court is directed to communicate the same to the registering officer concerned. If the amount has not been realised and the revision petitioner is not in a position to sell the property, the Executing Court



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may proceed after 6 months to satisfy the decree and while bringing the property

for sale, the Executing Court shall follow the procedures contemplated under Order 21 Rule 64 of CPC. Six months period referred above commences from the date when the respondent hand over the original documents obtained from the Trial Court to the revision petitioner.

7. With the above directions, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

12.06.2025

Index : Yes / No
Speaking/non speaking order
dhk



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- To,
- 1.The X Assistant Judge
City Civil Court, Chennai
 2. The Section Officer
VR Section, Madras High Court

N. SATHISH KUMAR, J.



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