



C.R.P.No.1158 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08..07..2025

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.No.1158 of 2025

and

C.M.P.No.6798 of 2025

D.R.Jayakothandaraman,
Proprietor of Yuvaraj Transport,
No.25, Thomas Nagar,
Little Mount, Saidapet,
Chennai 600 015.

..... Petitioner

-Versus-

1.Jayanthilal G.Surana

2.Anita Jain
W/o J.Vijayakumar Surana,
Rep. by Power Agent,
Jayanthilal G.Surana

3.V.Rani

4.Meena Chandrasekar

.... Respondents

Petition filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the order dated 09.01.2025 made in E.P.No.2881 of 2017 in O.S.No.1853 of 2012 on the file of the learned IX Assistant Judge, City Civil Court, Chennai.



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For Petitioner : Ms.R.Santhana Ishwarya

For Respondent : No appearance for R4

RR1 & 2 - Notice returned as vacated

R3 Notice returned as no such person

ORDER

This Civil Revision Petition has been filed challenging the order dated 09.01.2025 passed by the learned IX Assistant Judge, City Civil Court, Chennai, whereby the immovable property belonging to the second judgement-debtor was ordered to be attached in execution of the decree dated 26.10.2016 passed in O.S. No. 1853 of 2012 on the file of the XVI Additional Judge, City Civil Court, Chennai, to satisfy the decree amount of Rs. 25,80,141/- in E.P. No. 2881 of 2017 and cost of the suit proceedings Rs.41,141/-.

2. The revision petitioner is the 1st judgement-debtor. The respondents 3 and 4 are the judgement-debtors 2 & 4 respectively, and the respondents 1 and 2 are the decree-holders.

3. This court heard both sides.

4. The sole contention raised by the learned counsel for the revision petitioner is that a sum of approximately Rs. 18,00,000/- has already been paid towards the decree, and only a balance of about Rs. 12,00,000/- remains due.



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The petitioner expressed readiness and willingness to pay the said balance amount in monthly installments of Rs. 1,00,000/-. However, the decree-holders did not accept the said offer.

5. Be that as it may, since the revision petitioner has expressed willingness to deposit the balance amount due under the decree, this Court directs the petitioner to deposit the said amount either in installments or in lump sum within a period of six months from today.

6. If the amount is deposited as undertaken by the revision petitioner, the Executing Court shall terminate the execution proceedings accordingly.

7. However, in the event the Executing Court proceeds further for realization of any remaining amount by bringing the immovable property already attached for sale, it shall strictly adhere to the provisions of Order XXI Rule 64 of the Code of Civil Procedure.

8. In the event of an auction sale, only such portion of the attached property as is necessary to satisfy the decree shall be brought to sale, and not the entire property.

9. It is further made clear that if the Executing Court is of the view that the property should be brought to sale, such steps shall be taken only after the expiry of the six-month period granted herein for the petitioner to deposit the



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balance amount due under the decree.

WEB COPY In the result, the Civil Revision Petition is disposed of in terms of the above directions. No costs. Consequently, the connected C.M.P. is also closed.

Index : yes / no
Neutral Citation : yes / no

08..07..2025

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To

1.The IX Assistant Judge, City Civil Court, Chennai.



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N.SATHISH KUMAR.J.,

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