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C.R.P.No.1936 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.1936 of 2025
and CMP.No.11049 of 2025

S.M.Wilfred

... Petitioner

Vs.

Molly Anthony

... Respondent

Prayer : Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order dated 17.04.2025 passed in EP.No.492 of 2024 on the file of the XXVIII Assistant City Civil Court, Madras allowing the execution petition and order for attachment and sale the schedule properties.

For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.S.Chendu Eashwaran

ORDER

Challenging the order of the Executing Court passing an order of attachment of the movable properties of the judgment debtor, the present revision has been filed.

2. In fact, it is relevant to note that certified copy is also not filed



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only the online case status has been filed. Be that as it may, it is the contention of the revision petitioner that the suit in O.S.No.906 of 2019 has been filed by the respondent on the file of the II Additional Sub Court, Trichy for recovery of a sum of Rs. 6,27,713/-. The said suit is decreed on 29.06.2022. To enforce the decree, EP has been filed. The Executing Court vide order dated 17.04.2025 made in EP.No.492 of 2024 has passed an order of attachment of the movable properties belonging to the judgment debtor. Hence, this revision.

3. The learned counsel for the petitioner submitted that the petitioner has filed application in I.A.No.1 of 2025 to condone the delay in filing the petition to set aside the exparte decree and I.A.No.2 of 2025 has been filed challenging the exparte decree dated 29.06.2022. Therefore, the Executing Court ought not to have passed an order of attachment. Hence, seeks for allowing this revision.

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

5. At the outset, this Court is at loss to comprehend as to how this



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revision is maintainable. This Court is of the view that mere filing an application to set aside the exparte decree does not amount to automatic stay of the execution proceedings.

6. Such view of the matter, I do not find any merits in this revision and this revision stands dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition stands closed.

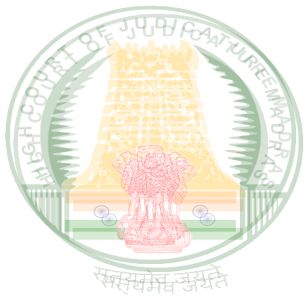
16.07.2025

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Internet : Yes

To

- 1.The XXVIII Assistant Judge
XXVIII Assistant City Civil Court,
Chennai
- 2.The II Additional Sub Court, Tiruchirapalli
3. The Section Officer,
VR Section,
High Court, Madras.

N. SATHISH KUMAR, J.



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