



C.R.P.No.2012 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 05.06.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**C.R.P.No.2012 of 2025**

**and**

**C.M.P.No.11610 of 2025**

D.Saravanan

... Petitioner

Vs.

P.Elango

... Respondent

**PRAYER:** Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 08.04.2025 for the issue of a fresh proclamation and sale on 04.06.2025 in E.P.No.881 of 2020 in O.S.No.1452 of 2015 on the file of the XXVI Assistant City Civil Court, Chennai.

For Petitioner : Ms.R.Kalaivani  
for Mr.V.Balasubramani

For Respondent : Mr.S.Gunaseelan



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## **ORDER**

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Challenging the order of the XXVI Assistant City Civil Court, Chennai, dated 04.06.2025 in E.P.No.881 of 2020 in O.S.No.1452 of 2015, directing a fresh proclamation and sale on 04.06.2025, the present Civil Revision Petition has been filed.

2.The respondent/deGREE holder has filed the Execution Petition in E.P.No.881 of 2020 to execute the *ex parte* decree passed in O.S.No.1452 of 2015 on 01.07.2022. The Execution Court had earlier passed an order on 20.12.2024 directing proclamation of sale and since no one participated in the earlier public auction, the sale was not materialised, and therefore, on 08.04.2025, the impugned order has been passed for fresh proclamation fixing the sale on 04.06.2025. Challenging the said order dated 08.04.2025, the present revision has been filed by the judgment debtor.

3.Though this Court earlier granted interim order in this Civil Revision Petition and directed the petitioner to deposit a sum of Rs.5 Lakhs, at the outset, this Court is of the view that the very Civil Revision Petition itself is not maintainable for the simple reason that the proclamation has not

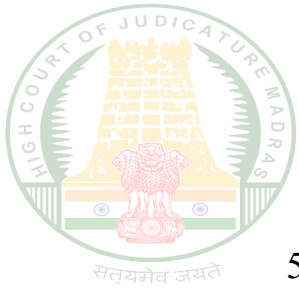


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been filed and not drawn by the Court. The Execution Court has simply passed an order directing the decree holder to file a fresh proclamation. Once a proclamation is filed, such proclamation has to be drawn up after notice to the decree holder and the judgment debtor stating the date, time and place of sale. Therefore, even before filing of any such proclamation, as a matter of right, the Execution Petition cannot be stalled. First, let the decree holder file a proclamation and thereafter, the Execution Court shall hear both sides and proclamation shall be drawn.

4.The other concern of the learned counsel for the petitioner is that the property of the petitioner is worth more than Rs.1 Crore and the entire property is sought to be sold. That has to be established before the Execution Court. The Execution Court shall strictly follow the provisions under Order 21 Rule 64 of CPC while bringing the property for sale and any amount deposited pursuant to the orders of this Court shall be given due adjustment towards the E.P. amount.



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5. With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**05.06.2025**

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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation : Yes / No

To

The XXVI Assistant Judge,  
City Civil Court,  
Chennai.

**N. SATHISH KUMAR, J.**



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