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CRP NPD.No.2229 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2229 of 2025 & CMP.No.12903 of 2025

1. M/s.Sasikala Agencies,
Rep. by its Managing Partner A.Sundar Rajan,
D.No.71/387, Cherry Road,
Hasthampatty, Salem – 636 007.

2. A.Sundar Rajan
3. Jayashree

. . . Petitioners

Versus

K.Ramesh Babu

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the fair and final Order dated 04.04.2025 made in REP.No.174 of 2022 in O.S.No.314 of 2017 on the file of the I Additional District Judge, Salem.

For petitioners : Mr.J.Jayan

For repondent : Mr.R.Asokan



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ORDER

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Challenge has been made to the Order of the Executing Court issuing sale notice, the present Civil Revision Petition has been filed.

2. The respondent herein has filed a suit in O.S.No.314 of 2017 for recovery of money and a decree has also been passed in favour of the respondent on 25.04.2022. Thereafter, an Execution Petition has been filed in E.P.No.174 of 2022, wherein an attachment has also been Ordered. Subsequently, a sale notice has been issued to bring the property for sale. The same has been put in challenge in the present Civil Revision Petition.

3. The main contention of the learned counsel appearing for the petitioner is that as the petitioner has mortgaged the property to the third party, the sale notice cannot issued.

4. At the outset, this Court is of the view that this Civil Revision Petition is nothing but abuse of process of law. After attachment it appears



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that mortgage has been created. It is for the parties who have priority of right over the property, to canvas the case and the judgment debtor has no say in this regard and he cannot step into the shoes of the so called mortgagee at this stage. Hence, I do not find any merits in this revision.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The I Additional District Munsif,
Salem.



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N. SATHISH KUMAR, J.

vrc

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