



C.R.P.(MD)No.1151 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.1151 of 2025

and

C.M.P(MD)No.6215 of 2025

P.Packiyalakshmi

... Petitioner

Vs.

Kuttuva S.Thamotharan (Died)

2.K.D.Meena

3.K.D.Jeganathan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the order passed by the IV Additional District Court, Madurai in un-numbered E.A.No.(CR19 Register No.2035/2024) in E.P.No.237/2023 in O.S.No.54/2018 dated 03.01.2025 by allowing this Civil Revision Petition and set aside the same.

For Petitioner : Mr.K.Muraleedharan

For Respondents : No appearance

ORDER

This Civil Revision Petition is filed seeking to set aside the order passed by the IV Additional District Court, Madurai in un-numbered E.A.No. (CR19 Register No.2035/2024) in E.P.No.237/2023 in O.S.No.54/2018 dated 03.01.2025.



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2. The case of the petitioner is that the respondents / plaintiffs filed a suit in O.S.No.54 of 2018 seeking for preliminary decree for recovery of money and consequently seeking for final decree to auction the mortgaged property to satisfy the decretal amount and if there is any balance amount payable to the plaintiff to recover the same from the defendants from other properties to them and for costs. The said suit was allowed. Based on the decree, the respondents / decree holder filed E.P.No.237 of 2023 seeking to attach the schedule mentioned immovable property. In which, the petitioner filed unnumbered E.A.,(CR 19 Register No.2035/2024) in E.P.No.23 of 2023 and for sale of the first item of the petition mentioned property alone in the Court auction in order to realise the decree amount. However, the same was rejected by the trial Court on the sole ground that the valuation report is not filed in respect of first item of the property. Aggrieved by the same, the petitioner has filed the present Civil Revision Petition.

3. The learned counsel for the petitioner would submit that this Court may direct the trial Court to dispose the first item of the property by way of proclamation by assessing the value of the property. If any amount is required to pay further by the petitioner, the petitioner is ready to pay the balance amount to satisfy the decree.



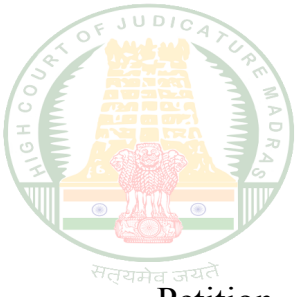
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4. Heard the learned counsel appearing for the petitioner. Though notice was served on the respondents and their names are also printed in the cause list, they have not chosen to appear either in person or through counsel, considering the pendency of the civil revision petition, this petition is taken up for final disposal.

5. The facts of the present case are not in dispute. Admittedly, the petitioner/judgment debtor has no objection to realise the decree amount by bringing the first item of the property and the second item of the property is a dwelling house in which, he is residing and if the decree amount is not satisfied by alienating the property, the petitioner is ready to pay the balance amount. To that effect she has also filed an undertaking affidavit before this Court.

6. In view of the undertaking given by the petitioner, the trial Court is directed to brought the first item of the property for sale by following the procedure contemplated under the Civil Procedure Code. If the decree amount is not satisfied, the petitioner is directed to pay the balance amount.



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7. With the above observations and direction, this Civil Revision

Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The IV Additional District Court,
Madurai.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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