



C.R.P.(MD)No.1494 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1494 of 2022

S.Murugan

...Petitioner

Vs.

K.Sangili Perumal (died)

2.Ponlakshmi

3.Pandi

4.Akshaya alias Pandiammal

(Respondents 2 to 4 are brought on record
as LR's of the deceased sole respondent
vide Court order dated 07.01.2025)

...Respondent

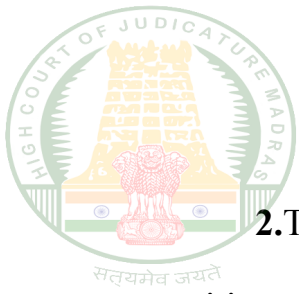
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order and decree dated 22.04.2022 made in E.P.No.41 of 2021 in O.S.No.457 of 2008, on the file of the District Munsif Court, Rajapalayam and allow this Civil Revision Petition.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : No appearance

ORDER

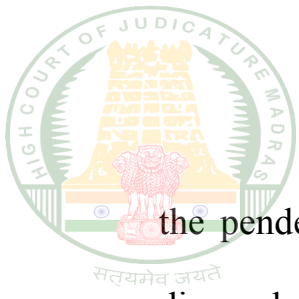
This petition has been filed seeking to set aside the order and decree dated 22.04.2022 made in E.P.No.41 of 2021 in O.S.No.457 of 2008, on the file of the District Munsif Court, Rajapalayam and allow this Civil Revision Petition.



C.R.P.(MD)No.1494 of 2022

2.The learned counsel appearing for the petitioner would submit that the petitioner, who is the plaintiff, filed a suit in O.S.No.457 of 2008 for recovery of money against the first respondent and the said suit was decreed in his favour vide judgment and decree dated 03.03.2010. Subsequently, the petitioner filed E.P.No.41 of 2021 to attach the property of the respondent/defendant. Further, the said petition was dismissed by the trial Court on the ground that the respondent has already executed the settlement deed with regard to the said property in favour of his wife on 10.06.2021, whereas, the execution petition was filed on 16.06.2021 after the execution of the settlement deed. Therefore, the trial Court had dismissed the petition. However, as per Section 53 of the Transfer of Property Act, if any transfer is voidable transfer to deprive the rights of the petitioner to execute the decree by attaching the property owned by the defendant and such execution of settlement deed in favour of his wife is not sustainable and the same is liable to be set aside, however, the trial Court dismissed the execution petition filed by the petitioner is not in accordance with law and prays for appropriate orders.

3. 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



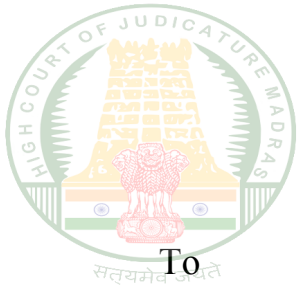
C.R.P.(MD)No.1494 of 2022

the pendency of the civil revision petition, this petition is taken up for final disposal.

4. The facts of the present case are not in dispute. Admittedly, the petitioner is a plaintiff in the money suit in O.S.No.457 of 2008 and the same was decreed in his favour vide judgment and decree dated 03.03.2010. It is equally undisputed fact. Prior to the said execution petition, already the petitioner filed earlier E.P.No.66 of 2001 and the same was dismissed on 04.11.2013 and thereafter filed another E.P.No.21 of 2018 and subsequently, the same was not pressed and thereafter, the present E.P.No.41 of 2021 is filed to attach the property owned by the respondent. However, the present E.P.No. 41 of 2021 is filed on 16.06.2021, whereas, the settlement deed was executed by the respondent in favour of his wife on 10.06.2021 and at the time of filing the E.P., the suit property is not stand in the name of the respondent and thereby, the trial Court dismissed the petition, which need not be interfered with. Accordingly, the Civil Revision Petition is dismissed with liberty to the petitioner to work the remedy in the manner known to law. No costs.

Internet:Yes/No
Index:Yes/No
am

15.07.2025



C.R.P.(MD)No.1494 of 2022

To

WEB COPY

- 1.The District Munsif Court,
Rajapalayam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.1494 of 2022

M.DHANDAPANI, J.

am

C.R.P.(MD)No.1494 of 2022

15.07.2025