



C.R.P(MD)No.674 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.674 of 2015

and

M.P(MD)No.1 of 2015

A.Augustian

... Petitioner / 2nd Respondent /
Auction Purchaser

Vs

1.B.Mohamed Abubackar (Died)

2.M/s.Sriram & Co.,

Registered Partnership Firm

Through one of its Partnership

C.Durairaj

... 2nd Respondent / 1st Respondent /
Petitioner

Prayer : This Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order dated 23.02.2015 passed in E.A.No.862 of 2008 in E.P.No.46 of 2005 in O.S.No.649 of 2001 on the file of the I Additional Sub Judge, Madurai and thereby allow the present Civil Revision Petition.



C.R.P(MD)No.674 of 2015

WEB COPY

For Petitioner : Mr.R.V.Rajkumar

For R2 : Mr.H.Lakshmi Shankar for R1

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 23.02.2015 passed in E.A.No.862 of 2008 in E.P.No.46 of 2005 in O.S.No.649 of 2001 on the file of the I Additional Sub Judge, Madurai and thereby allow the present Civil Revision Petition.

2. The Decree holder would submit that as per the order passed by the execution Court in E.A.No.862 of 2008, the conditional order was complied by the judgment debtor. The entire amount was settled. The execution proceedings were terminated and the sale was also set aside. Therefore, the matter has become infructuous.



C.R.P(MD)No.674 of 2015

WEB COPY

3. After passing the order, the learned counsel for the revision petitioner would submit that he has deposited the entire sale consideration.

4. In view of the setting aside of the sale by the execution Court, the amount deposited by the revision petitioner may be refunded. The revision petitioner is at liberty to approach the concerned execution Court for return of the deposited amount and in the event of filing such an application, it may be processed and refund may be ordered by the execution Court.

5. With the above liberty and direction, this Civil Revision Petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petition stands closed.

10.03.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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C.R.P(MD)No.674 of 2015

G.ILANGO VAN, J.

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To

- 1.The I Additional Sub Judge, Madurai.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
C.R.P(MD)No.674 of 2015
and
M.P(MD)No.1 of 2015

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