



CRP.(MD).No.12 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CRP.(MD).No.12 of 2025

and

C.M.P.(MD).111 of 2025

in

E.P.No.7 of 2023

in

O.S.No.896 of 2012

M/s.Maruti Build Care,

Represented by its Proprietor Selvamani,

No.82, V.O.C. Street,

Vengamedu, Karur.

.. Petitioner/Respondent/Defendant

Vs.

NCL Buildtek Limited,

Previously Known as

NCL ALLTECK & SECCOLOR LTD.,

Hyderabad,

Office at 10-3-162, 5th Floor, NCL Pearl,

S.D.Road, East Maredpally,

Opposite to Hyderabad Bhavan,

Secunderabad.

.. Respondent/Petitioner/Plaintiff

Prayer: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the Docekt Order dated 04.12.2024 passed in E.P.No.7 of 2023 in O.S.No.896 of 20212 on the file of the Principal District Judge, Karur and allow the present Civil Revision Petition.



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For Petitioner : Mr.P.Vinoth
for Mr.K.Kevinkaran

For Respondent : Mr.S.Deenadhayalan

ORDER

The present Civil Revision Petition has been filed by the Judgment-Debtor, in a Money Suit.

2. The Respondent herein had filed O.S.No.896 of 2012 on the file of the 1st Additional Court, Ranga Reddy Court. LB Nagar Hyderabad for the relief, recovery of a sum of Rs.52,44,500/-. A Decree was passed on 23.01.2019. The Decree was later transmitted to the Principal District Judge, Karur, wherein the Decree Holder had filed E.P.No.7/2023.

3. The Learned Trial Judge has passed an order dated 28.04.2023, ordering arrest of the Civil Revision Petitioner. This order was put to challenge by the Petitioner in C.R.P.(MD).No.1156 of 2023. At the time of arguments, the Learned Counsel appearing for the Petitioner had submitted that the Decree obtained by the Respondent before the 1st Additional Court, Ranga Reddy Court. LB Nagar Hyderabad is an *ex-parte* decree and he had filed I.A.No.884 of 2023 to set aside the *ex-parte* decree. After recording the same, this Court had observed that



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depending upon the outcome of I.A.No.884 of 2023, further proceedings in the Execution Proceedings can be proceeded with and the C.R.P(MD).No.1556 of 2023 was dismissed as infructuous by this Court on 11.11.2024.

4. Misconstruing the order passed by this Court, and dismissal of the Civil Revision Petition, the Trial Court has again passed an order dated 04.12.2024, and directed re-arrest of the Civil Revision Petitioner by 08.01.2025. Challenging the same, the present Civil Revision Petition has been filed.

5. According to the learned Counsel appearing for the Civil Revision Petitioner, when this Court has directed the Trial Court to await for the outcome of I.A.No.884 of 2023, without awaiting for the outcome of the above said application, the Trial Court has again ordered re-arrest.

6. Per-Contra, the Learned Counsel appearing for the Respondent contended that the Civil Revision Petition has been dismissed as infructuous and therefore, the Principal District Judge, Karur, proceeded to order re-arrest.

7. A perusal of the order passed by this Court in C.R.P.(MD).No. 1556 of 2023 on 11.11.2024, reveals that this Court has directed the



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Learned Trial Court to proceed with the Execution Proceedings depending upon the outcome in I.A.No.884 of 2023, pending on the file of the 1st Additional Court, Ranga Reddy Court. LB Nagar Hyderabad. In such circumstances, the Learned Trial Court ought not to have ordered re-arrest of the Civil Revision Petitioner on 04.12.2024.

8. In view of the above the said deliberations, the order of the Learned Trial Court dated 04.12.2024 is hereby set aside and the Learned Trial Court is directed to await for the outcome of the proceedings in I.A.No.884 of 2023 on the file of the 1st Additional Court, Ranga Reddy Court. LB Nagar Hyderabad. After the disposal of I.A.884/2023, the Learned Trial Court shall proceed in accordance with law. Hence, this Civil Revision Petition stands allowed. No costs. Connected Civil Miscellaneous Petition is also closed.

03.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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R.VIJAYAKUMAR,J.

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To

- 1.The
Principal District Judge, Karur.
2. The
1st Additional Court,
Ranga Reddy Court,
LB Nagar Hyderabad.
- 3.The Section Officer,
VR Record Keeper,
Madurai Bench,
High Court of Madras.

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and
C.M.P.(MD).111 of 2025
in
E.P.No.7 of 2023
in
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Dated: 03.02.2025