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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 7004 of 2026
C.M.P.No.30087 of 2026
CNR: {HCMA012531602026}

S.Sharmila Begum

Case QR

..Petitioner(s)

Vs

1. M/s. Iswarya Marketing, Erode
   Rep. by its Manager cum Authorised Agent
   G.Viswanathan (Died)
   Now Rep. by its Manager cum
   Authorized Agent S.Muthu,
   No.14B, Annamalai Layout,
   Erode 638 011.
2. M/s. Vinayaga Rotary Printing Mills
   By its Partner G.Saravanakumar,
   S.K.N.Building,
   No.69/2, Thiru Vee. Ka. Road,
   Erode 638 004.
3. G.Saravanakumar
4. R.Sathishkumar
5. S.Manjula
6. K.Kalpana
7. P.R.Arun

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the Impugned docket order made in EP No.43 of 2022 in O.S.No.105 of 2018 on the file of the learned Principal District Judge, Erode, dated 20.08.2026 and allow this CRP.

For Petitioner(s): Mr.L.Santhosh Kumar

ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court allowing the execution application filed by the first

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respondent / Decree Holder seeking attachment and the sale of the property of the petitioner.

2.The first respondent herein filed a suit for recovery of money against petitioner and other respondents. The petitioner is partner of the second respondent firm. The suit filed by the first respondent was decreed on 01.08.2019 by directing all the defendants to pay a sum of Rs.20,45,893/- together with interest jointly and separately. Aggrieved by the said decree, the petitioner filed an appeal in the year 2024 with a delay. The First Appellate Court dismissed condone delay petition. Thereafter, the petitioner said to have filed a review application challenging the dismissal of the condone delay petition and in the meantime the first respondent / decree holder filed an execution petition in E.P.No.43 of 2022 seeking attachment of the property of the petitioner and bringing the same for sale. By the impugned order the Executing Court ordered sale of the property. Aggrieved by the same, the petitioner has come before this Court.

3.The learned counsel for the petitioner would contend that while the review application filed by the petitioner is pending before the First Appellate Court, the Executing Court ought not have ordered sale of the property. It is also stated that the petitioner is only one of the defendants and a decree has been passed against all the defendants and hence the first respondent is not entitled to bring the property of the petitioner for sale.

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Order QR

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4.It is seen from the decree passed by the trial Court, the liability of the defendants are joint and several. Therefore, the first respondent / Decree Holder is entitled to bring the property of the one of the defendants for sale to satisfy the entire decree. If at all the petitioner after satisfying the decree is entitled to seek contribution from the other defendants. The petitioner filed an appeal with delay of nearly after five years from the date of decree. The said condone delay petition was also dismissed. Now the Review Application filed by the petitioner is said to be pending. Merely because review application challenging the dismissal of the condone delay petition is pending we cannot say Execution shall be stayed. In the absence of any stay order by the First Appellate Court, the first respondent is entitled to proceed with the Execution Petition especially when the petition to condone delay in filing appeal is already dismissed. I do not find any error in the impugned order passed by the Executing Court. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

EP
To:-
The Principal District Judge,
Erode.

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S.SOUNTHAR, J.

EP

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