



C.R.P(MD)No.1645 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1645 of 2026

and

C.M.P(MD)No.7984 of 2026

A.David John

.. Petitioner

Vs.

S.Beulah

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order made in E.P.No.3 of 2024 in O.S.No.98 of 2019 dated 21.04.2025 on the file of the Additional District Court, Kuzhithurai, Kanyakumari District.

For Petitioner : M/s J.Priscilla Pandian

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ORDER

The Civil Revision Petition is filed challenging the order passed by the executing Court, dated 13.06.2025, directing attachment of the petitioner's immovable property.



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2. It is seen from the typed set of papers that the respondent/decree-holder filed a suit against the petitioner/judgment-debtor. In the said suit, a consent decree came to be passed directing the petitioner/judgment-debtor to repay the advance amount of Rs.24,00,000/- with interest at the rate of 12% per annum. The said decree was passed on 15.07.2022. Since the petitioner failed to comply with the terms of the decree, the respondent initiated execution proceedings by filing an Execution Petition. As the petitioner failed to satisfy the decree even during the execution proceedings, the executing Court, by the impugned order dated 13.06.2025, ordered attachment of the petitioner's immovable property.

3. The impugned order was passed on 13.06.2025. However, the petitioner challenged the said order only by filing the present Civil Revision Petition on 19.01.2026. It is also seen that the certified copies of the impugned order was not filed by the petitioner at the time of filing the revision petition and hence, the revision petition was returned by the Registry on 03.03.2026 and was represented only on 17.03.2026.



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4. It is seen from the counter filed by the petitioner in the Execution Petition that he disputed the genuineness of the sale agreement and also questioned the validity of the consent decree passed by the trial Court. Such contentions are wholly untenable in execution proceedings. The genuineness of the sale agreement should have been questioned only in the original suit and the said issue cannot be agitated in execution proceedings.

5. Likewise, the petitioner is not entitled to challenge the validity of the consent decree in the execution proceedings. If it is the petitioner's case that his consent for the decree was not voluntary or was obtained under coercion or misrepresentation, it is for him to challenge the decree in the manner known to law. Unless the decree is set aside in the manner known to law, the executing Court is bound to execute the decree as it stands and cannot go behind the decree. Therefore, the objections raised by the petitioner in the counter filed in the Execution Petition are devoid of merit. The executing Court rightly rejected the said objections and ordered attachment of the petitioner's immovable property, as the petitioner failed to satisfy the decree amount in terms of the consent decree. I do not find any illegality or irregularity in the order passed by the executing Court warranting interference of this Court.



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6. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

29.06.2026

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

To

1.The Additional District Court, Kuzhithurai,
Kanyakumari District.

2.The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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