



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.03.2015
CORAM:

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (NPD) (MD) No.693 of 2015

A.Kandamsay : Petitioner/Petitioner/Respondent
/Judgment Debtor/Defendant

Vs.

1.A.Abdul Azees : 1st Respondent/1st Respondent/
Petitioner/Decree Holder/Plaintiff

2.K.Chandra :2nd Respondent/2nd Respondent/
Claimant/3rd Party

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to pass an order directing the Execution Court/Principal District Court, Tuticorin to number the unnumbered E.A.S.R.No.1534 of 2015 in E.P.No.102 of 2013 in O.S.No.61 of 2010 filed under Order 21 Rule 55 r/w Order 38 Rule 9 of Cr.P.C. and dispose the same in accordance with law.

For Petitioner : Mr. V.Meenakshisundaram


O R D E R

This revision is filed seeking a direction to the Execution Court/Principal District Court, Tuticorin to number the unnumbered E.A.S.R.No.1534 of 2015 in E.P.No.102 of 2013 in O.S.No.61 of 2010 filed under Order 21 Rule 55 r/w Order 38 Rule 9 of Cr.P.C. and dispose the same in accordance with law.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. Aggrieved by the return made on his application unnumbered E.A.S.R.No.1534 of 2015 under Order 21 Rule 55 r/w Order 38 Rule 9 of Cr.P.C., the defendant, in O.S.No.61 of 2010 on the file of the learned Principal District Judge, Thoothukudi, has filed this revision.

4.The contention of the revision petitioner is that the property has been attached earlier and the Execution Court is proceeding with the sale of the attached property, which is his dwelling house. Therefore, the application is filed by him to substitute the same with Schedule 'B' and 'C' properties which may be attached and brought for sale instead of the properties which was already attached. The said application was returned for want of certain compliances. The learned counsel for the revision petitioner also points out that the said compliances pointed by the lower court has already been pointed out in the petition and they are available.



5. In such circumstances, the learned Principal District Judge, Thoothukudi, is directed to number the E.A.S.R.No.1534 of 2015 in E.P.No.102 of 2013 in O.S.No.61 of 2010 if it is otherwise in order and dispose of the same on merits.

6. With the above direction, this Civil Revision Petition is disposed of. The Registry is directed to return the original unnumbered E.A. to the learned counsel for the petitioner.

Sd/-
Assistant Registrar(AE)

\\True copy\\

Sub Assistant Registrar

To,

1. The Principal District Judge, Thoothukudi.
2. The Section officer, VR section
Madurai Bench of Madras High Court Madurai.

+1cc TO MR.D.NALLATHAMBI, ADVOCATE SR.NO.16478

C.R.P. (NPD) (MD) .No.693 of 2015

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NA/15/04/2015/P2/4C