

IN THE COURT OF XXVI CITY CIVIL AT CHENNAI

Present: Tmt.Raja.S.Ramya.,M.A.,M.L.,

The XXVI Assistant Judge,

Wednesday the 29th day of April 2026

E.P.No.1617/2025

in

O.S.No.3862/2023

CNR.No.TNCH01-016992-2025

Mr.Thambiraj

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Petitioner / Decree Holder

- Vs -

1. S.Revathi

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Respondents /

2. L.Saravanan

Judgment Debtors no.1 and 2

1. Advocate J.N. Naresh Kumar

2. Advocate S.Mohamed Adil

3. Advocate R.Sakthi Mahendra

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Petitioner / Decree Holder

Respondents /

Judgment Debtors no.1 and 2

-

Notice not sent

Final hearing date

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08.04.2026

ORDER DATED: 29.04.2026

This petition has been filed under Order 21 Rule 54 and 64 of C.P.C. on behalf of the petitioner / decree holder, seeking attachment and sale of the schedule immovable property of the respondent no.2 / judgment debtor no.2.

Heard petitioner's side. Records were perused.

The contention of the petitioner's side is that the respondent no.2 / judgment debtor no.2 is liable to pay the decree amount of Rs.9,18,000/- (Rupees Nine lakhs and eighteen thousand only) along with subsequent interest, that the respondent no.2 / judgment debtor no.2 is not paying the same, that there is no appeal or stay against the decree, that so the schedule immovable property of the respondent no.2 / judgment debtor no.2 has to be attached, that the decree amount can be realized only by attachment and sale of the said property and that so this petition has to be allowed.

The petitioner's side has added both the judgment debtors as parties in column no.11 of execution petition, but the property of respondent no.2 / judgment debtor no.2 has alone been shown in the schedule of property. So clarification was sought in this regard, from the petitioner's side. On 08.04.2026, endorsement was made by the counsel on record for the petitioner, to effect that the execution petition is not pressed against judgment debtor no.1. So on 08.04.2026, this execution petition was dismissed as not pressed, as against the respondent no.1 / judgment debtor no.1.

Considering the submission of the petitioner, in view of the fact that the respondent no.2 / judgment debtor no.2 does not satisfy the decree amount, due to the fact that there is no appeal or stay against the decree and in the interests of justice, this court is inclined to order for attachment and sale of immovable property of the respondent no.2 / judgment debtor no.2, as mentioned in the schedule.

In the result this petition is partly allowed. No costs.

For attachment of schedule immovable property of respondent no.2 / judgment debtor no.2 on batta in 3 days, with warrant returnable by 16.06.2026. The respondent no.2 / judgment debtor no.2 is prohibited from transferring or charging the schedule property in any way and no person shall take any benefit from such transfer or charge. Call on 19.06.2026.

XXVI Assistant Judge
City Civil Court
Chennai

XXVI Assistant Court
City Civil Court, Chennai
E.P.No.1617/2025
in
O.S.No.3862/2023
Fair Order
29.04.2026