

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

C.R.P.(NPD)No.3304 of 2015
and M.P.No.1 of 2015

Subramani ... Petitioner/Defendant

Vs.

Varatharajan ... Respondent/Plaintiff

Prayer : Civil Revision Petition has been filed under Section 115 of C.P.C. praying to set aside the Fair and Final order passed in I.A.No.503 of 2013 in O.S.No.163 of 2012 on the file of the District Munsif, Kangayam, dated 02.06.2015.

For Petitioner : Mr.V.Regunathan

ORDER

The revision petitioner is the defendant in O.S.No.163 of 2012 on the file of the District Munsif Court, Kangeyam. The respondent is the plaintiff in the said suit.

2. The suit was filed to recover a sum of Rs.73,920/- as on the date of the plaint. As per the plaint Rs.60,000/- was borrowed by the revision petitioner from the plaintiff and Rs.13,920/- arrived at as interest. He failed to repay the same. Hence, the suit was filed.

3. The suit was decreed ex-parte on 26.07.2013 and E.P.No.4 of 2014 in O.S.No.163 of 2012 was filed for executing the same.

4. While so, I.A.No.503 of 2013 in O.S.No.163 of 2012 was filed by the petitioner to set aside the exparte decree.

5. The Trial Court passed an order dated 02.06.2015 in I.A.No.503 of 2013 allowing the application on condition that the revision petitioner shall deposit a sum of Rs.30,000/- on or before 09.06.2015. It is stated in the order that no amount shall be permitted to be withdrawn by both the parties till the disposal of the suit.

6. This civil revision petition is against the said order.

7. When this Court expressed its view to dismiss CRP, the learned counsel for the petitioner submitted that the revision petitioner seeks atleast some time to comply with the conditional order dated 02.06.2015 made in I.A.No.503 of 2013 in O.S.No.163 of 2012.

8. In view of the limited prayer now made by the learned counsel for the revision petitioner, I am inclined to grant three months time to comply with the order of the Trial Court dated 02.06.2015, i.e., the revision petitioner shall deposit the said sum of Rs.30,000/- within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To
The District Munsif, Kangayam.

+1 cc to Mr.V.Regunathan, Advocate, sr.43995

C.R.P. (NPD) No.3304 of 2015

raj (co)
kra (1/9)

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