

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.09.2015

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THE HONOURABLE MR. JUSTICE T.MATHIVANAN

**C.R.P.(NPD) No.3613 of 2012
and
M.P.No.1 of 2012**

M.A.Srinivasan

..Petitioner/Judgment Debtor

/vs/

K.Natesan

..Respondent/Decreeholder

Civil Revision Petition filed under Section 115 of Code of Civil Procedure against the fair and decretal order dated 10.09.2012 made in E.P.No.1130 of 2012 in O.S.No.813 of 2003 on the file of the X Assistant City Civil Court(Fast Track Court No.II), Chennai.

For Petitioner :Mr.M.Venkateshan
For Respondent :Mr.K.Thangavelu

ORDER

Impugning the order dated 10.09.2012 and made in E.P.No.1130 of 2012 in O.S.No.813 of 2003 on the file of the learned X Assistant Judge, City Civil Court(Fast Track Court No.II), Chennai, the petitioner herein, being the Judgment Debtor, has preferred this revision.

2. The respondent herein, being the Decree Holder, has obtained a decree on 14.06.2007 as against the revision petitioner and in pursuance of the decree, he had taken out execution proceedings in E.P.No.1794 of 2009 under Order 21, Rule 37 read with Section 55 of the Code of Civil Procedure to execute the decree claiming totally a sum of Rs.2,23,204/-. The Court, at the first instance on 10.09.2012 had proceeded to pass an order directing the revision petitioner/Judgment Debtor to pay a sum of Rs.1,77,493/- on or before 10.10.2012 directly to the respondent/Decree holder or to deposit the amount into the suit account together with subsequent interest at the rate of 14.4 % p.a., for Rs.1,60,195/- up to the date of payment or deposit, failing which, it was ordered to arrest and detention of the Judgment Debtor/revision petitioner in to civil prison by 15.11.2012. Having been aggrieved by the above said order, now the revision petitioner/Judgment Debtor stands before this Court.

3. When the matter was taken up for hearing, the revision petitioner/Judgment Debtor had filed a memo of calculation saying that the Judgment Debtor had almost paid the decree amount to the satisfaction of the respondent/Decree Holder and in fact, he had paid an excess amount of Rs.69,907/- and hence, he has urged that the respondent/Decree Holder be directed to refund the said amount .

4. On the other hand, the respondent/Decree Holder has also filed another memo of calculation saying that as on 06.08.2015, the revision petitioner/Judgment Debtor has to pay a sum of Rs.1,39,190/-. Ultimately, this matter stood posted for orders on 02.09.2015. On that date, this Court has calculated the amount, which is actually to be paid by the revision petitioner/Judgment Debtor and both the learned counsels have almost accepted the calculation made by this Court and submitted to list this matter today i.e.09.09.2015 so as to arrive at a settlement between the parties. Accordingly, the respondent, who is the Decree Holder has filed a memorandum today i.e.09.09.2015 saying that as per the compromise entered into between the parties in the above civil revision petition, towards the balance of the entire decree amount with subsequent interest and costs, a sum of Rs.1,25,000/- has been paid by the revision petitioner/Judgment Debtor to the respondent/Decree Holder on 04.09.2015 through a Cheque bearing No.161968, dated 04.09.2015 drawn on Punjab National Bank, Mahalingapuram Branch and that the decree in O.S.No.813 of 2015 on the file of the Fast Track Court No.II, City Civil Court, Chennai, thereupon is fully satisfied. Therefore, both the learned counsels have submitted that this memorandum might be recorded and full satisfaction of the decree might also be recorded in O.S.No.813 of

2003 on the file of the Fast Track Court No.II, City Civil Court, Chennai and the execution Petition in E.P.No.1130 of 2012 might be terminated.

5. This Court, on considering the memorandum as well as the submissions made by both the learned counsels, finds that it may be expedient to record the memorandum and full satisfaction of the decree may also be recorded towards the decree and costs of the suit in O.S.No.813 of 2003 on the file of the Fast Track Court No.II, City Civil Court, Chennai.

6. Accordingly, the memorandum filed by the respondent/Decree Holder has been recorded and the full satisfaction of the decree in the suit in O.S.No.813 of 2003 on the file of the Fast Track Court No.II, City Civil Court, Chennai, is recorded and the execution petition in E.P.No.1130 of 2012 is terminated. Accordingly, the Civil Revision Petition is allowed. No order as to costs. Consequently, connected Miscellaneous Petition is also closed.

09.09.2015

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To

The X Assistant Judge,
City Civil Court,
(Fast Track Court No.II),
Chennai.

T.MATHIVANAN,J.

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