



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P (MD) No.2464 of 2015

and M.P (MD) No.1 of 2015

1.Sivanantham

2.Rajeswari

..Petitioners/Petitioners/Appellants

Vs.

1.S.Raman

2.Parvatham

..Respondents/Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 17.08.2015 and made in I.A.No.186 of 2014 in A.S.S.R.No.1969 of 2014 on the file of the learned Principal District Judge, Tiruchirappalli.

For Petitioners : Mr.G.Karnan

ORDER

This petition is filed by the revision petitioners, who are the defendants in the suit in O.S.No.370 of 2005 on the file of the learned Principal Subordinate Judge, Tiruchirappalli. The respondents are the plaintiffs in the suit and as such, they have filed the suit as against the revision petitioners/defendants claiming a sum of Rs.2,82,000/- along with interest on the principal amount at rate of 12% per annum.

2. The suit was decreed, after full fledged trial as prayed for. Against the decree, the revision petitioners have filed an appeal in A.S.S.R.No.1969 of 2014. However, there was a delay of 678 days in filing the appeal. Therefore, they happened to file an application in I.A.No.186 of 2014 under Section 5 of the Limitation Act to condone the delay. That application was dismissed. After passing the decree, the respondents have taken out the execution proceedings in E.P.No.297 of 2013 and the said E.P is also pending. Under this circumstance, now, the learned counsel for the revision petitioner has submitted that, as suggested by the respondents in their counter statement, the revision petitioners/appellants are ready to deposit 50% of the decree amount.

3. This Court has considered the submission made by Mr.G.Karnan, learned counsel appearing for the petitioner and perused the averments of the grounds of the Civil Revision Petition as well as the impugned order.

4. Keeping in view of the above fact and since the revision petitioners and the respondents are closely related with each other, this Court finds that the revision petition can be allowed at the admission stage itself by directing the revision petitioners to deposit a sum of Rs.1,72,000/- to the credit of E.P.No.297 of 2013 in O.S.No.370 of 2005 on the file of the learned Principal Subordinate Judge, Tiruchirappalli on or before 20.12.2015. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.



6. For compliance, post the matter on 22.12.2015.

sd/-

Assistant Registrar(CO)

/True copy/

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Sub Assistant Registrar

To

1.The Principal District Judge,Tiruchirappalli.

2.The Principal Subordinate Judge, Tiruchirappalli.

+1cc to Mr.G.Karnan, Advocate in SR.66299

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