



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P. (NPD) (MD) No.649 of 2013

and

M.P. (MD) Nos.2 of 2013 & 1 of 2015

N.S.Padmanabhan

... Petitioner / Petitioner /
1st Respondent / 1st Defendant

-vs-

M.Ramachandran

... Respondent / Respondent /
Petitioner / Plaintiff

PRAYER: Civil Revision Petition is filed, under Section 115 of the Code of Civil Procedure, against the order in E.A.No.424 of 2012 in E.P.No.134 of 2011 in O.S.No.159 of 2007, dated 21.12.2012, on the file of the learned I Additional Subordinate Judge, Nagercoil.

For Petitioner : Mr.C.T.Perumal

For Respondent : Mr.R.Joseph Thankaraj

O R D E R

The respondent obtained a decree against the petitioner for a sum of Rs.2,00,000/- with interest at the rate of 12% per annum from 17 May, 2005 till the date of decree and subsequent interest at the rate of 6% per annum. Since the petitioner failed to pay the amount, the respondent filed an execution petition in E.P.No.134 of 2011 to realize the amount.

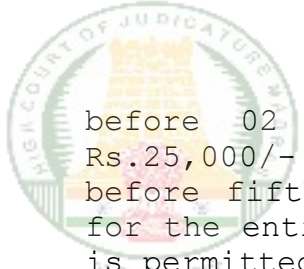
2. Before the Executing Court, the petitioner filed an execution application in E.A.No.424 of 2012 to permit him to pay the amount in installments. The application was dismissed by the Trial Court. The order, dated 21 December, 2012 is under challenge in this civil revision petition.

3. This Court earlier directed the petitioner to deposit a sum of Rs.1,00,000/- on or before 14 June, 2013. The petitioner pursuant to the said order deposited the amount before the Executing Court.

4. The petitioner has now filed an undertaking affidavit, dated 01 June, 2015 agreeing to pay the balance amount at the rate of Rs.25,000/- per month.

5. The petitioner, in his affidavit, dated 01 June, 2015 has indicated his difficulties in paying the amount and adverse circumstances. In view of the reasons found mentioned in the affidavit, I am of the view that reasonable time should be given to the petitioner to pay the decree amount.

6. The learned Executing Judge is directed to permit the petitioner to pay the balance decree amount in equal monthly installments at the rate of Rs.25,000/-. The first installment shall be deposited on or



before 02 July, 2015. The further installments at the rate of Rs.25,000/- per month shall be deposited before the Executing Court on or before fifth of every month. The petitioner is liable to pay interest for the entire period in view of the installment payment. The respondent is permitted to withdraw the amount deposited by the petitioner.

7. The civil revision petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Per Admn)

/True Copy/

Sub Assistant Registrar

To:

The I Additional Subordinate Judge,
I Additional Subordinate Court, Nagercoil.

+1cc to Mr.C.T.Perumal, Advocate in SR.No.27182

+1cc to Mr.R.Jeseph Thankaraj, Advocate in SR.No.27451

C.R.P.(NPD) (MD) No.649 of 2013
and

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