

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2241 of 2015 &

M.P.No.1 of 2015

S.Sampath

... Petitioner

v.

V.Manoharan

... Respondent

Civil Revision Petition filed under section 115 of CPC to call for the records on the file of District Munsif, Polur made in OEA No.49 of 2015 in OEP No.216 of 2006 in O.S.No.274 of 2004, dated 20.04.2015.

For Petitioner : Mrs.Bhavani Subbarayan
for M/s.Royan Law Asso

For Respondent : Mr.G.Ashokapathy
for M/s.Pass Associates

ORDER

Challenging the fair and final order passed in O.E.A. No.49 of 2015 in O.E.P. No.216 of 2006 in O.S.No.274 of 2004, on the file of District Munsif Court, Polur the judgment debtors have filed the above Civil Revision Petition.

2. Pursuant to the decree passed in O.S.No.274 of 2004, the respondent-decree holder filed an Execution Petition in O.E.P. No.216 of 2006 to bring the property of the judgment debtor for sale. The Execution Petition was filed in the year 2006 for a sum of Rs.1,07,387.50.

3. It is brought to the notice of this court that the judgment debtor has made some payments to the decree holder during the pendency of the Execution Petition.

4. Mrs.Bhavani Subbarayan, learned counsel appearing for the petitioner submitted that the revision petitioner-judgment debtor is willing to pay the outstanding amount in 6 equal monthly installments.

5. Mr.G.Ashokapathy, learned counsel appearing for the respondent also agreed for the proposals made by the learned counsel appearing for the petitioner.

6. In these circumstances, I permit the petitioner-judgment debtor to pay the entire outstanding amount in 6 equal monthly installments commencing from 1st March 2016. The petitioner shall pay the monthly installment on or before 5th of every succeeding month. In the case of the petitioner default in any one of the installment, the respondent-decree holder is at liberty to proceed with the Execution Petition. Till the entire outstanding amount is discharged by the petitioner-judgment debtor, the District Munsif Court, Polur is directed to keep the Execution petition pending.

With these observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

22.01.2016

Rj

To

The District Munsif Court,
Polur

M. DURAISWAMY,J.,

Rj

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