

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).Nos.1397 & 1412 of 2016
and C.M.P.Nos.7777 & 7829 of 2016

1.P.Chitra

2.K.Subramani

3.Radhakrishnan

... Petitioners in both C.R.Ps

Vs

M/s.Shriram Chits Tamil Nadu Pvt. Limited,
Branch : Alandur,
No.423, M.K.N. Road,
Alandur, Chennai - 16.

... Respondent in both C.R.Ps

Civil Revision Petitions under Article 227 of the Constitution of India
against the conditional order passed in E.A.Nos.4802 & 4800 of 2015 in
E.P.No.2186 of 2013 in A.R.C.No.251 of 2012 on the file of the X Assistant
Judge, City Civil Court, Chennai dated 05.01.2016.

For Petitioners : Mr.R.Iyyapan
(in both C.R.Ps)

Respondent : Mr.G.Senthamil Selvan
(in both C.R.Ps) for M/s.K.Nandhini

COMMON ORDER

Challenging the common order passed in E.A.Nos.4802 & 4800 of 2015
in E.P.No.2186 of 2013 on the file of the X Assistant Judge, City Civil Court,

Chennai in A.R.C.No.251 of 2012 on the file of the Arbitrator, Chit Funds Dispute, North and South, Chennai District, the Judgment Debtors 2 to 4 have filed the above Civil Revision Petitions.

2.Pursuant to the Award passed in A.R.C.Nos.251 of 2012, the respondent/Decree Holder filed an Execution Petition in E.P.No.2186 of 2013. Since the petitioners failed to appear before the Executing Court, the Executing Court set them exparte and an exparte order was passed on 26.09.2013 for attachment of salaries against the Judgment Debtors 2 to 4. Thereafter, the petitioners filed applications in E.A.Nos.4800 & 4802 of 2015 to condone the delay of 705 days in filing the application to set aside the exparte order and to set aside the exparte order respectively.

3.Before the Executing Court, the learned counsel appearing for the respondent/Decree Holder made an endorsement that the respondent is not filing any counter and he has no objection to allow the applications. The Executing Court, taking into consideration the endorsement made by the respondent/Decree Holder, allowed the applications on condition the petitioners depositing one-third of the decreed amount. Challenging the common order passed in the applications, the Judgment Debtors 2 to 4 have filed the above Civil Revision Petitions.

4. When the matter is taken up for hearing, the learned counsel for the petitioners/Judgment Debtors 2 to 4 submitted that the petitioners are willing to deposit a sum of Rs.1,25,000/- instead of one-third of the decreed amount as ordered by the Executing Court.

5. The learned counsel appearing for the respondent/Decree Holder also agreed that the petitioners may be directed to deposit a sum of Rs.1,25,000/-.

6. In view of the submissions made by the learned counsel on either side, the order passed by the Executing Court in E.A.Nos.4802 & 4800 of 2015 in E.P.No.2186 of 2013 is modified to the extent that the petitioners/Judgment Debtors 2 to 4 are directed to deposit a consolidated sum of Rs.1,25,000/- (Rupees one lakh and twenty five thousand only) to the credit of E.P.No.2186 of 2013 on the file of the X Assistant Judge, City Civil Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. In other aspects, the order passed by the Executing Court in E.A.Nos.4800 & 4802 of 2015 shall remain unaltered.

7. With these observations, the Civil Revision Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No
Internet : Yes
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25.10.2016

To

1. The X Assistant Judge,
City Civil Court,
Chennai.

M.DURAIWAMY,J.
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