

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**C.R.P.NPD.No.1894 of 2017 and
CMP.No.9111 of 2017

- 
1. M. Dhanapal
Development officer,
LIC, Of India,
CBO -13, Chennai Divisional,
Office at 232,
NSC Bose road, Chennai -01
- 2 P.Ayyapilla,
EMP.No. B03323,
GPF No. 118610,
Combat Vehicles' Research and Development
Establishment Avadi, Chennai-54 .
- ..Petitioners

M/S .Shriram City Union Finance Ltd.,
Represented by its Senior Manager
Legal Mr.Dhandapani,
No.123, Angappa Naicken Street,
Chennai 600 001.

Vs.

..Respondent

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PRAYER:

Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decreetal Order made in E.A.No.4541 of 2016 in E.P.No.641 of 2014 in ACP 890/2012 by the IX Assistant City Civil

Court, Chennai dated 20.04.2017

For petitioner :Mr.P.Paramasivam

ORDER

The petitioners has filed the Civil Revision Petition to set aside the Fair and Decreetal Order made in E.A.No.4541 of 2016 in E.P.No.641 of 2014 in ACP 890/2012 by the IX Assistant City Civil Court, Chennai dated 20.04.2017.

2. The respondent herein filed E.P.No.641 of 2014 against the petitioners to execute the decree passed in ACP No.890 of 2012 by way of attachment of the petitioner's salary wherein an award was passed against the petitioners to pay jointly or severally Rs.3,47,012/- together with interest at 18% per annum from 18.10.2012 till its realization and Rs.5,000/- towards the cost of Arbitration. In the above EP, an ex parte order has been passed against the petitioners for their non appearance.. Pursuant to that, the petitioners herein filed E.A.No.4541 of 2016 to set aside the same. The above EA was allowed on condition that the petitioners shall pay further substantive payment of Rs.10,000/- each (totally Rs.20,000/-) towards part satisfaction of the award on periodical monthly instalment basis till the discharge of entire due. Against the said

order, the petitioners have filed this Civil Revision Petition.

3. The learned counsel for the petitioners would submit that the petitioners have filed an undertaking affidavit by stating that the petitioners are willing to pay a sum of Rs.15,000/- (Rs.7,500/- by each petitioner) towards satisfaction of the EP claim for every month.

4. In view of the above undertaking, it is ordered that a sum of Rs.15,000/- (Rs.7,500/- by each petitioner) shall be paid by the petitioners on or before every 15th day of succeeding calendar month to the decree holder. The said undertaking in the affidavit will form part of this Order. The counsel for the respondent has no objection for the undertaking filed by the petitioner.

5. In view of the undertaking, the Civil Revision Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

22.06.2017

Index : Yes/No
Internet: Yes/No
Speaking/Non-speaking
lok

D. KRISHNAKUMAR.J

lok

To
The IX Assistant City Civil Court,
Chennai



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