

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.11.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(NPD) No.3950 of 2017
and C.M.P.No.18454 of 2017

K.Karunanidhi ... Petitioner/Defendant

Vs

Adhilakshmi ... Respondent/Plaintiff

This Civil Revision Petition is filed under section 115 of C.P.C. against the order dated 18.09.2017 made in E.P.No.109 of 2016 in O.S.No.96 of 2012 on the file of the Principal Subordinate Judge, Villupuram.

For Petitioner : Mrs.S.T.P.Kuilmozhi
For Respondent : Mr.N.Manoharan

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ORDER

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By consent of both parties, the Civil revision petition listed today for admission, is taken up for final disposal.

2 According to the learned counsel for the petitioner, the respondent herein filed a suit in O.S.No.96 of 2012 and exparte decree has been passed on 17.4.2014. The application filed by the petitioner herein to set aside the exparte order was dismissed. Challenging the said order, the petitioner has preferred an appeal in C.M.A.No.24 of 2016 before the learned District Judge, Villupuram. At this stage, the respondent herein has filed E.P.No.109 of 2016 and the same was allowed. Challenging the said order, the present Civil revision petition has been filed before this Court.

3 According to the learned counsel for the petitioner, at the time of arguments, counsel for the petitioner submitted that as the appeal is pending before appellate court, without prejudice to the rights in the appeal, the petitioner undertakes to pay a reasonable amount to the respondent. On instructions, counsel for the respondent fairly submitted that the petitioner may be directed to pay 50% of the decree amount towards arrears of rent as on today which works out to Rs.1,75,000/-.

4 By consent of parties, this court is inclined to pass the following order:

- (i) Order passed in E.P.No.109 of 2016 shall be kept in abeyance.

(ii) The petitioner shall pay a sum of Rs.1,75,000/- (Rupees one lakh seventy five thousand) by two instalments; i.e. first instalment of Rs.1,00,000/- (Rupees one lakh only) shall be paid to the respondent by the petitioner within six weeks from today and the remaining sum of Rs.75,000/- (Rupees seventy five thousand only) shall be paid to the respondent by the petitioner within a period of six weeks thereafter.

(iii) If any default in the payment of the said amount, it is open to the respondent to file an application to restore E.P.No.109 of 2016.

(iv) It is needless to say that the said E.P. will be decided on the outcome of the orders passed in C.M.A.No.24 of 2016.

(v) It is made clear that the payment of the aforesaid amount will be subject to the outcome of the orders passed in C.M.A.No.24 of 2016.

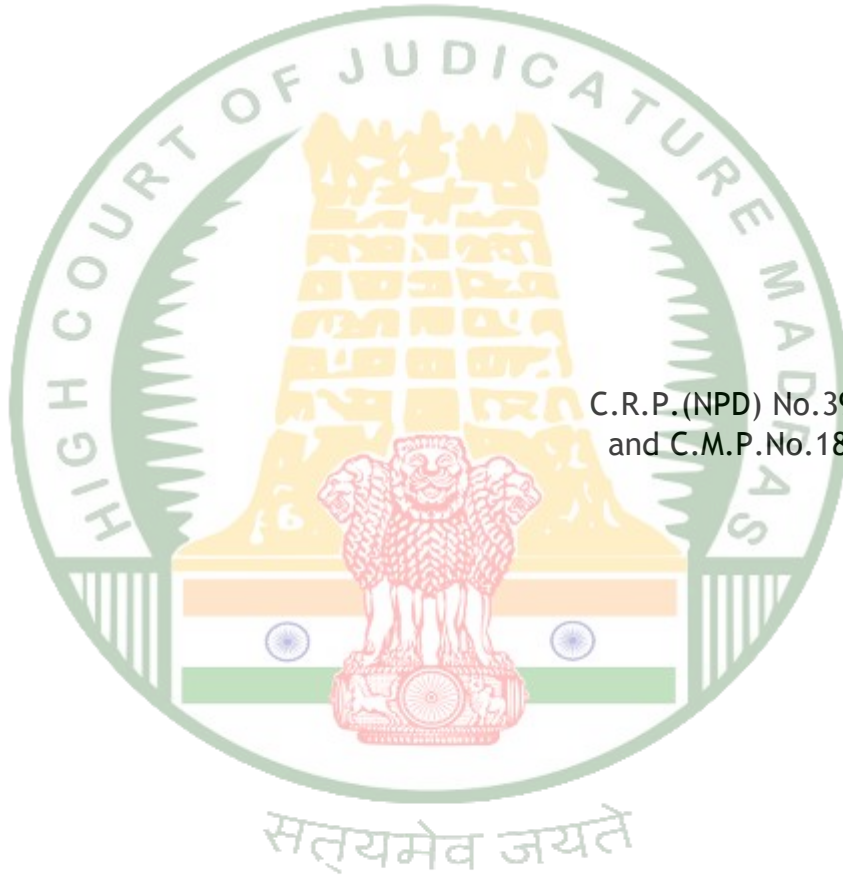
5 The Civil revision petition is disposed of with the above directions. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

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7.11.2017

Index: Yes/No
Internet:Yes/No
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To
The Principal Subordinate Judge, Villupuram.

D.KRISHNAKUMAR,J.
Vaan



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