

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP.NPD.No.661 of 2017

and

CMP.No. 3341 of 2017

C. Ramasamy ... Petitioner

Vs.

K. Ramesh .. Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair & decretal order dated 22.12.2016 passed in R.E.A.No.245 of 2016 in R.E.P.No.2/2014 in O.S.No.340/2001 on the file of Subordinate Judge, Sankari.

For Petitioner : Mr. R. Marudhachalamurthy

For Respondent : Mr. P. Valliappan

ORDER

The petitioner has filed this Civil Revision Petition against the fair & decretal order dated 22.12.2016 passed in R.E.A.No.245 of

2016 in R.E.P.No.2/2014 in O.S.No.340/2001 on the file of Subordinate Judge, Sankari.

2. The respondent herein filed a suit in O.S. No. 340/2001 for recovery of money based on promissory note executed by the petitioner and the same was decreed in favour of the respondent on 28.07.2003. The respondent initiated execution proceedings by filing petitions before the executing court, but they were dismissed. Finally, the respondent filed REP. No.2 of 2014 and obtained an order to execute the decree, on 28.03.2016. Against the same, the petitioner filed an appeal in R.E.A No.245/2016. Challenging the order of dismissal dated 22.12.2016 passed by the Subordinate Judge, Sankari the petitioner has filed this revision petition.

3. On 07.04.2017, this Court granted an order of interim stay of the execution proceedings, on condition that the petitioner should pay a sum of Rs.50,000/- to the respondent. Learned counsel for the petitioner submitted that as per the said orders of this Court, the petitioner has paid a sum of Rs.50,000/- to the respondent.

4. Heard learned counsel for the petitioner and the learned counsel for the respondent and perused the material available on records.

5. On instructions, learned counsel for both the parties agreed to the terms that apart from the above said Rs.50,000/-, the petitioner shall pay a sum of Rs.10,000/- every month directly to the respondent.

6. Considering the above submission of the learned counsel for both the parties and the fact that the petitioner has complied with the conditional order, by paying Rs.50,000/- to the respondent, this Court is inclined to direct the petitioner to pay a sum of Rs.10,000/- every month, on or before 7th of the succeeding calendar month, towards the balance amount payable by the petitioner, as per the decree passed by the lower court in O.S. No. 340 of 2001 dated 28.07.2003. In default of payment of the said amount by the petitioner, the respondent shall proceed with the order dated 28.03.2016 passed in R.E.P No. 2 of 2014 in O.S. No. 340/2001, as per law.

D. KRISHNAKUMAR J.

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7. This Civil Revision petition is disposed of, with the above observation. Consequently, the connected Miscellaneous Petition is closed. No costs.

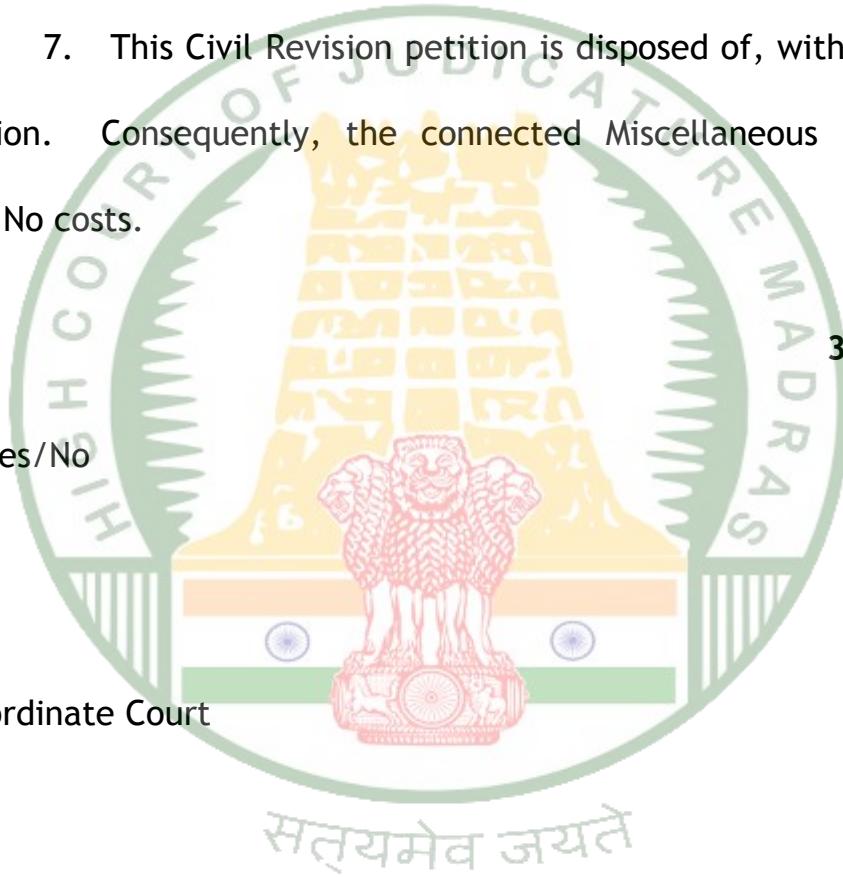
30.06.2017

Index: Yes/No

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To

The Subordinate Court
Sankari.



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