

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 25.07.2017****C O R A M****THE HONOURABLE MR.JUSTICE M. GOVINDARAJ****C.R.P.(NPD) No.3208 of 2015 and
M.P.No.1 of 2015**

K.Selvaraj

... Petitioner

Vs.

Margadarsi Chits(P) Limited,
Ashok Nagar Branch,
A1, 1st Avenue, Senthil Towers, II Floor,
Ashok Nagar, Chennai – 600 083.

... Respondent

PRAYER: Civil Revision Petition filed under Article 115 of Constitution of India, as against the order and decretal order passed in E.A.No.5262 of 2014 in E.P.No.3984 of 2012 on the file of the X Assistant City Civil Court, Chennai dated 17.11.2015 and allow this Revision Petition.

For Petitioner : Mr.S.D.Ramalingam

ORDER

The petitioner was a guarantor to the Principal Debtor/Subscriber in a Chit transaction with the respondent. The petitioner's property was attached by way of an exparte order. The petitioner filed a petition to raise the attachment, which got dismissed.

2.The petitioner has filed the present Civil Revision Petition as against the order of the dismissal passed in E.A.No.5262 of 2014 in E.P.No.3984 of 2012 on the file of the X Assistant City Civil Court, Chennai dated 17.11.2015. While ordering notice in the above Civil Revision Petition, this Court passed a conditional order directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of A.R.C.No.1795 of 2010 within a period of six weeks, and the petitioner has also complied with the said order.

3.Thereafter, the Principal Judgment Debtor has settled the outstanding dues to the respondent/deGREE holder. The decree holder addressed the Principal Judgment Debtor by the letter dated 06.04.2017 stating that this matter has been settled and the respondent has received the decree amount by way of Demand Draft towards full and final settlement.

4.In view of the settlement, the petitioner / Judgment Debtor need not make any payment towards the dues to the decree holder. In compliance with the order in M.P.No.1/2015 dated 17.08.2015, the petitioner has deposited a sum of Rs.2,00,000/- and filed a memo to that effect. The said amount is sought to be returned to the petitioner herein. Now, the Execution Petition has to be closed, but, it has not been done so, because of the pendency the present Civil Revision Petition. The learned counsel for the petitioner has offered to withdraw the Civil Revision Petition with liberty to withdraw a sum of Rs.2,00,000/-(Rupees two lakhs only) deposited into the credit of A.R.C.No.1795 of 2010. An

endorsement was also made by the learned counsel for the petitioner.

4.Considering the facts and circumstances of the case, the learned counsel is permitted to withdraw the Civil Revision Petition. Further, in event of full and final settlement is recorded by the decree holder, the petitioner is entitled to withdraw the amount of Rs.2,00,000/- (Rupees two lakhs only) deposited into the credit of A.R.C.No.1795 of 2010 in pursuance of the interim order passed in M.P.No.1 of 2015 dated.17.08.2015. The receipt issued by the decree holder and the memo filed by the Judgment Debtor shall form part of the records.

7. With the above reasons, this Civil Revision Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2017

Index : Yes/No

Internet : Yes/No

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M.GOVINDARAJ, J.

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