



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.32 of 2017

and

C.M.P(MD)No.137 of 2017

K.Santhanam

.. Petitioner/Petitioner/Plaintiff

-vs-

K.Dhanabalan,
Rep. By his power agent,
K.B.Balachandran

.. Respondent/Respondent/Defendant

PRAYER:- Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the docket order passed in E.P.No. 09 of 2012 in O.S.No.48 of 2006, dated 10.08.2016 on the file of Additional Sub Court, Dindigul.

For Petitioner : Mr.D.Selvaraj

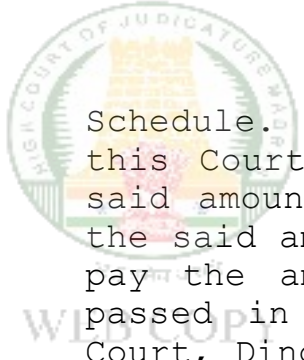
ORDER

The revision petitioner has filed the above Civil Revision Petition against the docket order passed in E.P.No.09 of 2012 in O.S.No.48 of 2006, dated 10.08.2016 by the Additional Sub Court, Dindigul.

2.The petitioner is challenging the docket order passed in E.P.No.9 of 2012, dated 10.08.2016 on the file of the Additional Sub Court, Dindigul. The petitioner has filed Lodgment Schedule and prayed for issuance of chalan for depositing a sum of Rs.2,50,000/- as per the order passed by this Court in C.R.P(MD) No.1005 of 2016, dated 13.06.2016.

3.The learned Judge returned the chalan on the ground that there is no direction by this Court in C.R.P(MD)No.1005 of 2016 permitting the petitioner to pay the balance amount of Rs.2,50,000/- in the Court. Against the return order, the present Civil Revision Petition has been filed.

4.The learned counsel appearing for the petitioner submitted that the learned Judge is not correct in returning the Lodgment



Schedule. The petitioner, after receipt of the order passed by this Court in C.R.P(MD)No.1005 of 2016, made efforts to pay the said amount to the respondent. The respondent refused to receive the said amount. Therefore, the petitioner is not in a position to pay the amounts and prayed for setting aside the docket order passed in E.P.No.9 of 2012 on the file of the Additional Sub Court, Dindigul.

5.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

6.A reading of the order passed by this Court in C.R.P(MD) No.1005 of 2016, dated 13.06.2016, it is clear that the petitioner was directed to pay a sum of Rs.2,50,000/- to the respondent within a period of one month from the date of receipt of copy of that order and the respondent on such payment shall execute sale deed in favour of the petitioner. Without modification of the said order permitting the petitioner to deposit the amount into Court, the learned Judge has rightly returned the Lodgment Schedule by the impugned order. There is no error or irregularity in the order passed by the Additional Sub Court, Dindigul, warranting interference of this Court. Hence, this Civil Revision Petition is liable to be dismissed.

7.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Additional Sub Judge,
Dindigul

+1 cc to MR.D.SELVARAJ, Advocate SR.No.1735

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and
C.M.P(MD)No.137 of 2017
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CSL/SV-MMS/03.02.2017:2P/3C