



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.04.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (NPD) (MD) No.718 of 2017

and

C.M.P (MD) No.3265 of 2017

P.A.S.Subbaiah

: Petitioner

vs.

The Managing Director,
S.V.R.M. Chits Fund Private Limited,
No.10, Office at Main Road,
Ambasamuthiram,
Tirunelveli District.

: Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 23.03.2017 passed in E.P.No.18 of 2011 in C.C.No.4 of 2003 on the file of the Learned Sub Court, Sankarankovil, Tirunelveli District.

For Petitioner

: Mr.M.Ramu

O R D E R

It is a matter arising out of chit fund transaction, wherein, the moneylender has obtained an Award for Rs.2,49,949/- as early as on 24.01.2005. Thereafter, the judgment debtor, who is the revision petitioner herein, had been successfully evading the payment of decretal amount by approaching the High Court by way of writ petition. At last, the decree holder has filed an application for civil arrest, since the judgment debtor though having sufficient means, denied and refused to pay the decree amount.

2.The Trial Court, after considering the entire litigative history of this case, has passed the impugned order directing the civil arrest of the judgment debtor for 30 days.

3.The learned counsel for revision petitioner submits that when writ petition W.P.(MD)No.1485 of 2016 file by the revision petitioner is pending and no final order is passed, the Execution Court should not have proceeded with the application for civil arrest.

4.The specific case of the revision petitioner is that for the loan amount of Rs.1,40,000/- borrowed in the auction, due to exorbitant interest levied upon the principal amount, he was not



in a position to clear the due and if some concession in interest been given, he would pay the loan. However, this option had been available for this revision petitioner for the past 14 years, but he has failed to avail it and only when the decree holder has taken the extreme step of detaining him in Civil Prison, he tries to delay the arrest, by offering settlement.

5.This Court is not inclined to fall prey to the trick of the default judgment debtor, who had so far successfully been evading the payment of decree amount by intervention of the Court and exploiting the sympathy of this Court.

6.It is now submitted by learned counsel for the revision petitioner that the revision petitioner has already paid Rs.1,15,000/- pursuant the direction of this Court and if this Court directs him to pay some more money, he is ready to pay.

7.Even now, it is very clear that the revision petitioner on his own, not interested in settling the dispute, but only wants to take umbrage of the direction of this Court and deprive the decree holder the due he is entitled.

8.Under such circumstances, I see no merit in this Civil Revision Petition and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To
The Subordinate Judge,
Sankarankovil,
Tirunelveli District.

C.R.P (NPD) (MD) No.718 of 2017
12.04.2017

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