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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM:

THE HON'BLE MR.JUSTICE.M.DURAISWAMY

Review Application (MD) No.192 of 2017

in

C.R.P.(MD) No.325 of 2015

&

CMP (MD) Nos.8425, 8487 & 8488 of 2017

A.Kandhappan

... Petitioner/Petitioner

vs.

1. The Sriram City Union Finance Ltd.
Represented by its Authorized Signatory,
Door No.70H,
Balavinayakar Kovil Street,
Tuticorin.

2. S.Latha

3. S.Sarathi

4. C.Paul Pandi

5. The Executive Engineer (Distribution)
Office of the Executive Engineer,
Tamil nadu Electricity Board,
Tiruchendur Division,
Tuticorn District.

... Respondents/Respondents

Petition filed under Order 47 Rule Rule 1 & 2 r/w section 114 of the Civil Procedure Code against the order dated 10.12.2014 passed in C.R.P.(MD)No.325 of 2014 on the file of this Court.

Prayer in CRP(MD). 325/ 2014 :

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and executable order dated 03.06.2013 passed in EP.No.10/2012 in A.R.O.P.No.52/2010 on the file of the Principal District Court, Tuticorin.

For Applicant : Mr.R.Karthikeyan

For Respondents : Mr.J.Bharathan - for R1
Mr.Jothi Ramalingam - for R2 & R3
No appearance - for R4
Mr.Senthil Kumaran (TNEB) - for R5

ORDER

The matter has been listed today and heard through Video Conferencing.

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2. The applicant, who is the judgment debtor in E.P.No.10 of 2012 in A.R.O.P.No.52 of 2010, on the file of Principal District Court, Tuticorin, has filed the Civil Revision Petition in C.R.P. (MD) No.325 of 2014 challenging the fair and decreetal order dated 03.06.2013 ordering attachment of salary.

3. This Court, by order dated 10.12.2014, dismissed the Civil Revision Petition finding that the borrower and the guarantors are jointly and severally liable to pay the decree amount.

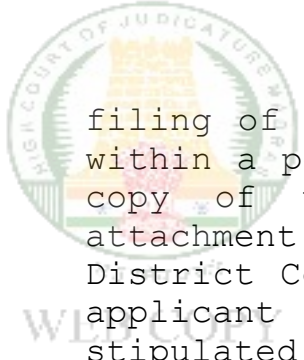
4. The applicant is one of the guarantors. Now, the applicant has filed the above Review Application to review the order dated 10.12.2014 passed in the Civil Revision Petition in C.R.P.(MD) No.325 of 2014.

5. When the matter is taken up for hearing, the learned counsel appearing for the Review Applicant/Judgment Debtor submitted that the applicant is willing to settle the matter with the decree holder and in the event of the applicant paying the entire decree amount, the order of attachment passed by the Executing Court may be raised.

6. Mr.J.Bharathan, learned counsel taking notice for the 1st respondent/decree holder submitted that the applicant and the respondents 2 to 4 are liable to pay the total sum of Rs.68,000/- (Rupees sixty eight thousand only) and that if the applicant pays the said sum of Rs.68,000/- together with interest at the rate of 6% per annum from the date of filing of the Execution Petition till the date of actual payment, the order of attachment passed by the Executing Court, may be raised.

7. In that view of the matter, the learned counsel appearing for the applicant also agreed to pay the said sum of Rs.68,000/- together with simple interest at the rate of 6% per annum from the date of filing of the Execution Petition till the date of actual payment. The learned counsel appearing for the applicant sought twelve weeks time for paying the amount together with accrued interest, for which, the learned counsel appearing for the first respondent/decree holder is agreeable.

8. In view of the submissions made by the learned counsel on <https://hccservices.sivdhe.com>, the applicant is directed to pay the said sum of Rs.68,000/- (Rupees sixty eight thousand only) together with simple interest at the rate of 6% per annum from the date of



filing of the Execution Petition till the date of actual payment, within a period of twelve weeks from the date of receipt of a copy of this order. On making such payment, the order of attachment passed in E.P.No.10 of 2012 on the file of Principal District Court, Tuticorin shall stand raised. In the case of the applicant defaulted in paying the said amount within the stipulated time, the order of attachment passed by the Executing Court, shall continue. On making payment of the amount, the 1st respondent/decreed holder is directed to issue No Due Certificate to the applicant/Judgment Debtor.

With these observations, the Review Application is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Tuticorn .

2. The Executive Engineer (Distribution)
Office of the Executive Engineer
Tamil nadu Electricity Board
Tiruchendur Divisional
Tuticorn District.

+1cc to Mr.R.Karthikeyan, Advocate Sr.No.78551

+1cc to Mr.J.Bharathan, Advocate Sr.No.78585

+1cc to Mr.M.Jothi Ramalingam, Advocate Sr.No.78550

RJ

VB/SV/MMS/SAR2/25/09/2017/3P/6C

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