

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 3525 of 2017

ORDER:

Heard both sides.

The present Civil Revision Petition is filed, aggrieved by the order dated 30.06.2017 passed by the Senior Civil Judge, Piler in E.P.No.20 of 2015 in O.S.No.12 of 2013, wherein the petition filed to send the Judgment Debtors to the civil prison for disobedience of the decree, was allowed.

As seen from the record, O.S.No.12 of 2013 came to be filed by the respondent/ plaintiff seeking recovery of the amount. By its judgment dated 10.06.2014, the suit was decreed with costs against defendant Nos.1 to 3 with future interest @6%per annum on Rs.1 lakh from the date of decree till the date of realization. Thereafter, the decree holder filed E.P.No.20 of 2015 in O.S.No.12 of 2013 to send the judgment debtors to the civil prison, for their failure to comply with the decree, which was allowed. Aggrieved by the same, the present revision came to be filed.

It is to be noted that in the month of April, 2015, the judgment debtors filed I.A.No.537 of 2015 seeking to condone the delay of 318 days in filing the petition to set aside the exparte decree dated 10.06.2014 and the same is pending for hearing of the respondents therein. The case of the petitioner is that while

the I.A. is still pending consideration, the trial Court erred in passing an order in E.P.No.20 of 2015.

Learned counsel for the respondents however, submits that the application filed under Section 5 of the Limitation Act is pending before the trial Court and it may take long time for the entire process to complete. He submits that though the decree holder has obtained the decree in the month of June, 2014, but till date would not realize the fruits of the decree.

Having regard to the above, the CRP is disposed of directing the petitioners to deposit 50% of the decretal amount to the credit of the suit and the trial Court is further directed to dispose of I.A.No.537 of 2015, and other identical IA filed in the suit, as early as possible, preferably, within a period of four weeks from today. Till the disposal of the I.A., the amount so deposited shall lie to the credit of the suit. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions pending if any in this Civil Revision Petition, shall stand closed.

C. PRAVEEN KUMAR, J

09.08.2017

Note:

Issue CC in two days.

B/ o.

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