

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD)No.1531 of 2018
and C.M.P.No.8174 of 2018

Rajesh Kumar Bhansali

... Petitioner

Vs.

Margadarsi Chits Pvt.Ltd.,
having its office of Business at
No.7/54, 3rd Floor Ideal Garden Complex,
Junction Main Road,
Salem-4.

... Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the fair order dated 12.02.2018 passed REA No.601 of 2017 in REP.No.212 of 2008 in AOP.No.66 of 2007 on the file of the 1st Additional Sub Judge at Salem and to allow the above C.R.P.

For Petitioner : Mr. R.Nalliappan

सत्यमेव जयते

ORDER

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This Civil Revision Petition has been filed seeking to set aside the fair and final order dated 12.02.2018 passed in REA No.601 of 2017 in REP.No.212 of 2008 in AOP.No.66 of 2007, on the file of the 1st Additional Sub Judge, Salem.

2 The petitioner has filed an Execution Petition in REP.No.212 of 2018 in AOP.No.66 of 2007 on the file of the 1st Additional Sub Judge, Salem in the year 2008 and in the execution proceedings, after completion of the respondent's side evidence, the matter was posted for petitioner's side evidence. After completion of the enquiry, the matter was posted for advancing the arguments of the learned counsel for the respondent and after completion of the same, the matter was posted for arguments on the side of the petitioner. At that time, the petitioner has filed an application to re-open the case after considerable length of execution proceedings. The Trial Court has allowed the application on condition to deposit 10% of the decree amount mentioned in Column No.7 of Execution Petition. Feeling aggrieved by the order passed by the Execution Court, the revision petitioner is before this Court.

3 The learned counsel for the petitioner would contend that the petitioner is not able to mobilize fund and also making arrangement to file insolvency application. Hence, he could not deposit 10% of the amount awarded as directed. However, he is ready and willing to deposit a sum of Rs.10,000/-.

4 Heard the learned counsel for the petitioner and perused the records.

5 The Arbitration O.P. of the respondent is of the year 2007 and arbitration award was also passed in the year 2008. Execution petition had been filed in the year 2008 itself. The Execution petition is pending for more than 10 years, after giving opportunity to the petitioner and the respondents and the matter was posted for arguments. The petitioner has filed a petition to re-open the case. The intention of the petitioner is one or other way only to protract the proceedings.

6 Considering the nature of the case and considering the length of time, this Court is not inclined to entertain the revision petition. Hence, this petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

07.06.2018

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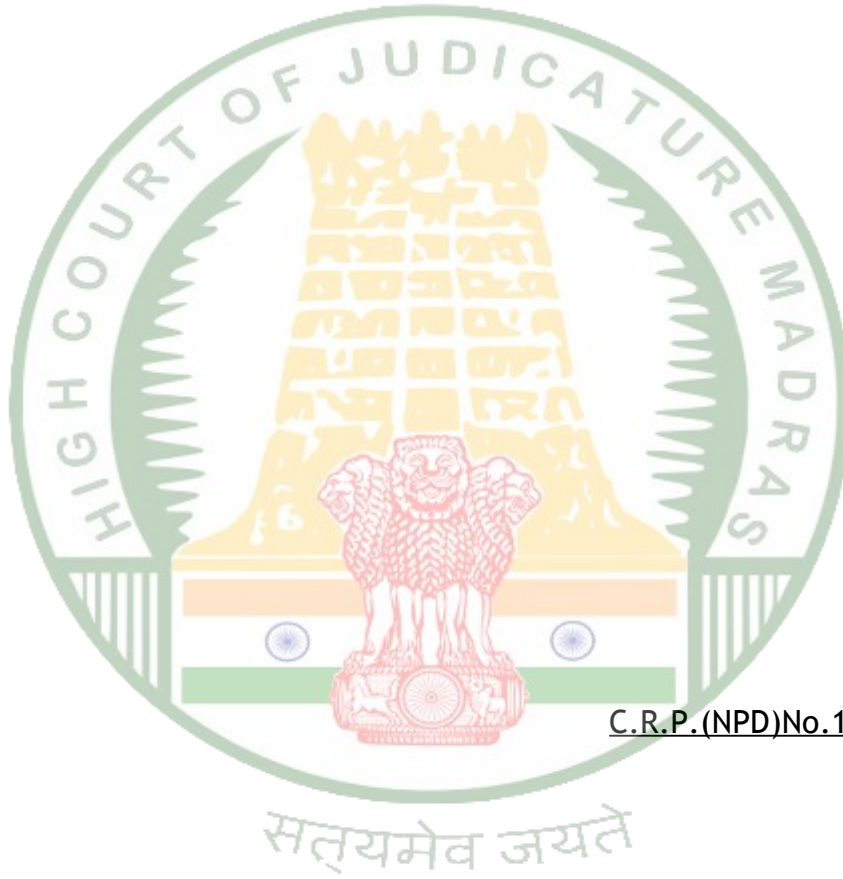
To

The 1st Additional Sub Judge,
Salem.

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P.VELMURUGAN, J.,

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