

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2018

CORAM :
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (NPD). No.3054 of 2011

and

M.P. Nos.1 & 2 of 2011

1.A.Jayaseelan
2.J.Mary Sabena

... Petitioners

Vs

1.J.Premkumar
2.Prasasta Premkumar

... Respondents

PRAYER : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, pleaded to set aside the order dated 05.07.2011 passed in E.A. No.67 of 2011 in E.P. No.10 of 2009 on the file of the Subordinate Judge, Ponamalle and allow the same.

For Petitioners : Mr.J.Arun Prasad

For Respondents : Ms.Swetha for
Mr.M.L.Ramesh

For Caveator : Mr.M.L.Ramesh

ORDER

The present Civil Revision Petition has been preferred by the petitioners against the order dated 05.07.2011 passed in E.A. No.67 of 2011 in E.P. No.10 of 2009 on the file of the Subordinate Judge, Ponamallee.

2. When this Civil Revision Petition came up for admission, this Court has granted stay on 19.08.2010, on condition that the petitioners make 50% payment to the decree holders of the admitted liability viz., Rs.4,45,000/- (Rupees Four Lakhs and Forty Five Thousand only). Subsequently, on 19.10.2011, this Court has directed the petitioners to pay the admitted balance amount to the respondent/decreed holder. The petitioners duly complied with the orders passed by this Court and made payment by way of Demand Draft in favour of the first respondent/decreed holder and the same was handed over to the learned counsel for the respondent. In this regard, the learned counsel for the petitioners has filed proof of payment of Rs.8,90,000/- (Rupees Eight Lakhs and Ninety Thousand only) on different occasions and the same has been taken on record. After the payment of entire decree amount viz., Rs.8,90,000/-, there is nothing survives for further adjudication in this matter.

3. In this regard, when the learned counsel for the respondent last occasion appeared i.e., on 22.06.2018, he sought time to verify the facts of the case and today i.e., 03.07.2018, the learned counsel for the respondent Ms. Swetha for Mr. M.L. Ramesh appeared and stated before this Court that the first respondent has received the said amount fully viz., Rs.8,90,000/-,

hence, this matter has become infructuous.

4. Recording the statements of the learned counsel for the petitioners as well as the respondents and on perusing the proof of payment, this Civil Revision Petition is dismissed as infructuous. Consequently, connected miscellaneous petitions are also closed. No Costs.

5. In view of the fact that entire decree amount has been paid by the petitioners to the first respondent, there is nothing to be adjudicated in the Execution Petition No.10 of 2009 as it has become infructuous.

03.07.2018

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order

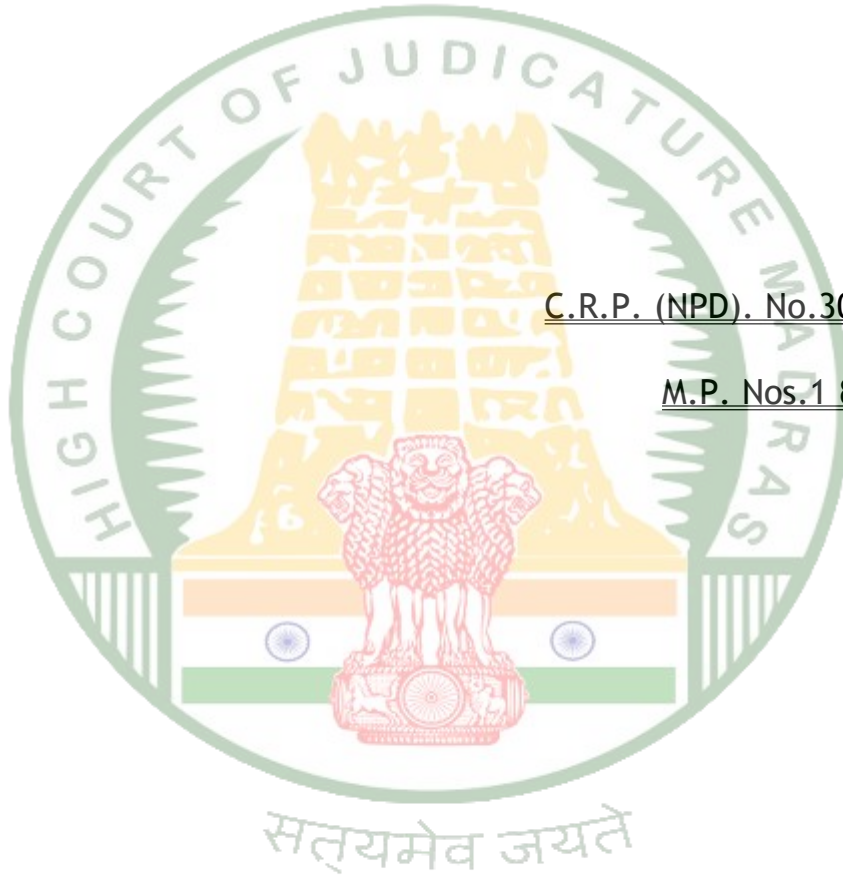
To

The learned Subordinate Judge,
Ponamallee.

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KRISHNAN RAMASAMY, J

rkp



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