

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(NPD).No.683 of 2018
and CMP.No.3561 of 2018

K.Sundar

.. Petitioner

Vs

Suganthi Jayakumar

.. Respondent

PRAYER

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the judgment and decretal order of the Hon'ble XIX Additional City Civil Court, Chennai dated 23.06.2017 in CMA.No.1 of 2017 inter-alia.

For Petitioner

: Mr.E.D.Sethupathi

ORDER

According to the revision petitioner, the revision petitioner has filed an application in EA.No.207 of 2016 to set aside the ex-parte order passed in EP.No.4597 of 2014 dated 04.12.2015. After hearing both sides, the executing court has allowed the same by directing the revision petitioner to deposit a sum of Rs.50,000/- towards part

satisfaction of the decree on or before 07.12.2016. Aggrieved by the said conditional order, the revision petitioner has preferred an appeal in CMA.No.1 of 2017 on the file of the XIX Additional City Civil Court, Chennai. The said appeal was also dismissed on 23.06.2017. Against the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner has filed the appeal on the ground the revision petitioner was not in a position to deposit the aforesaid conditional amount due to heavy rain in December 2015 and also not able to return to Chennai and meet the counsel to sign the vakalat. But the same has been dismissed by the Appellate court without appreciating the case of the revision petitioner. At this stage, the learned counsel for the revision petitioner has submitted that in the event of this Court is not satisfied in entertaining the Civil Revision Petition, the learned counsel for the revision petitioner undertakes to deposit the conditional amount as fixed by the executing court in EA.No.207 of 2016 within the period of four weeks from the date of receipt of a copy of this Order.

3. It is clear from the aforesaid facts, the revision petitioner

has filed the aforesaid application in the year of 2016 without stating satisfactory reasons in the affidavit for non-complying the conditional order. The suit was filed in the year 2005 and subsequently decree was passed in the year 2007. Thereafter, the execution petition has been filed. Therefore, this Court is not inclined to entertain the Civil Revision Petition. However, as requested by the learned counsel for the revision petitioner, the revision petitioner is directed to comply with the conditional order passed in EA.No.207 of 2016 within a period of four weeks from the date of receipt of a copy of this Order. The IX Assistant City Civil Court, Chennai shall not to proceed with the execution proceedings in EP.No.4597 of 2014 till such time.

4. The Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

26.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

lok

D. KRISHNAKUMAR J.,

lok

To

1. The Hon'ble XIX Additional City Civil Court,
Chennai
2. IX Assistant City Civil Court,
Chennai



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