



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD).No.1305 of 2016

G.Ramkumar

... Petitioner/Petitioner

Vs.

1.Gopi
2.Suresh
3.Murugesan
4.Ramasamy
5.Muthuraja
6.Kumar
7.Lakshmanan
8.Mathan
9.Saravanan
10.Bharath
11.Sundar
12.Mani
13.Kamal
14.Muthupandi
15.Ramprasath
16.Amesh
17.The Proprietor,
KPR Finance,
Penniquike New Bus Stand,
Theni, Theni District.
18.Thirumoorthy
19.Marimuthu
20.The Managing Director,
S.R.Finance,
Rathinam Nagar,
Theni, Theni District.
21.The Proprietor,
Aarupadaiyappa Finance,
Palanichettipatti,
Theni, Theni District.

... Respondents/Respondents

PRAYER: This Civil Revision Petition is filed under Section 115 CPC to set aside the order, dated 04.05.2016 in unnumbered E.I.O.P.No. of 2016, by the Vacational Sessions Judge, Theni (Subordinate Judge, Theni) and direct to number the same.

For Petitioner

... Mr. MA.M. Raja

**ORDER**

The petitioner has filed the present Civil Revision Petition to set aside the order, dated 04.05.2016 passed in unnumbered E.I.O.P.No. of 2016, by the Vacational Sessions Judge / Subordinate Judge, Theni and direct to number the same.

2. Heard the learned counsel appearing for the petitioner.

3. The revision petitioner has filed an un-numbered E.I.O.P.No.... 2016, before the Vacational Sessions Judge / Subordinate Judge, Theni, under Section 5 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2002 (herein after referred as "Act") and the learned Judge has passed the detailed order rejecting the said OP stating that the petitioner should invoke Section 6 of the said Act. Sections 5 and 6 of the said "Act" reads as follows:

"5. Deposit of money and presentation of petition to Court and the procedure thereof: (1) A debtor may deposit the money due in respect of loan received by him from any person together with interest at the rate fixed by the Government under Section 7 of the Money-lenders Act, into the Court, having jurisdiction along with a petition to record that the amount deposited is in full or part, satisfaction of the loan including the interest therefor, as the case may be.

(2) The Court shall, on receipt of a petition under sub-section (1), refer a copy of the petition to the person mentioned in the petition, directing him to give his version of the case within a period of 15 days as may be granted by the Court. The Court may, after due inquiry and after considering the versions of the parties, pass orders recording the satisfaction of the loan and interest therefor in full or in part, as the case may be.

6. Restoration of possession of property: The Court may, on filing a petition by the debtor, order the restoration possession of property whether movable or immovable, if any, forcibly taken by any person towards repayment of the loan advanced or interest therefor."

4. It is the case of the petitioner that he wants to restore the possession of the property viz., pro note, only with the signatures of the petitioner. If the petitioner wanted to restore the property viz., pro note given to the respondents / defendants, he might have to approach the TANPID Court, which was dealing with the case under the above "Act". Since the learned Judge has raised so many reasons in the order, this Court is inclined to dispose of the Civil Revision Petition with the following direction:



"The petitioner is directed to file an appropriate Petition before the TANPID Court, under Section 6 of the "Act" within a period of two weeks from the date of receipt of a copy of this order and on filing of such petition under Section 6 of the "Act", the learned Judge is directed to number the EIOP and dispose of the same on merits and in accordance with law, thereafter."

5. Accordingly, this Civil Revision Petition is disposed of.
No costs.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The Vacational Sessions Judge / Subordinate Judge,
Theni.

+1cc to Mr. MA.M. Raja, Advocate, SR.No.68031.

C.R.P (MD) .No.1305 of 2018
11.06.2018

trp

RAM/JC/SAR 3/05.07.2018/3P/3C