

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P.PD.Nos.892 and 923 of 2014

and

M.P.Nos.1+1 of 2014

1. Mr.D.Rajagopal ... Petitioner in C.R.P.PD.No.892 of 2014
- 2.Mr.R.Sakthivel ... 1st Petitioner in C.R.P.PD.No.923 of 2014
- 3.Mr.B.Vasudevan ... 2nd Petitioner in C.R.P.PD.No.923 of 2014

Vs.

Shriram Chits Tamil Nadu Private Limited,
T.Nagar Branch-II,
No.78, Usman Road,
T.Nagar,
Chennai-600 017.

... Respondent in both C.R.Ps.

COMMON PRAYER: Civil Revision Petitions filed under Section 115 of CPC against the Fair and Decretal Order in E.P.Nos.404 and 406 of 2013 in A.R.C.No.809 of 2011 dated 22.01.2014 on the file of the X Assistant Judge, City Civil Court, Chennai.

For Petitioners
For Respondent

: Mr.A.M.Ayyadurai
: Mr.K.V.Ananthkrushnan

C.SARAVANAN,J.,

ssn

ORDER

Pursuant to the order of this Court, dated 20.12.2016, these revision petitions were referred to Mediation and Conciliation Centre attached to this Court, for settlement. Thereafter, the Mediation agreement was also arrived at and the same was communicated by a Mediation Report dated 17.02.2017.

2. In the Mediation agreement, the petitioner agreed to pay a sum of Rs.2,43,670/- out of the claim amount of Rs.4,12,380/- towards full and final payment of these revisions. The petitioner has paid a sum of Rs.40,000/- on 17.02.2017. The petitioner undertakes to pay the remaining amount of Rs.2,03,670/- to the respondent/deGREE holder to be paid in six equal installments. Despite the undertaking given by the petitioner, to pay the entire balance amount of Rs.2,03,670/- in six installments, the same has not been complied with.

3. The Mediation agreement also stipulates that if the petitioner / judgment debtor fails to pay the settlement of Rs.2,03,670/- on or before 25.08.2017, the respondent/deGREE holder is entitled to initiate appropriate execution proceedings against the petitioner and other judgment debtors. The

time specified in the Mediation agreement has already been expired almost one year six months have lapsed.

4. The learned counsel for the petitioners submitted that the petitioner had made further payments. According to him, the petitioner already paid Rs.1,40,000/- and the outstanding amount payable is only Rs.1,03,670/-. It is made clear that the petitioner/judgment debtor is directed to pay the unpaid amount to the respondent/deGREE holder with cost at the rate of 7.5% p.a. within a period of two weeks from the date of receipt of a copy of this order, failing which the respondent will be entitled to initiate appropriate execution proceedings against the petitioner / judgment debtor as per the Mediation Agreement dated 17.02.2017.

5. With the above direction, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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C.SARAVANAN, J.,

To

The X Assistant Judge,
City Civil Court,
Chennai.



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