

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(NPD).No.3590 of 2018

&

C.M.P.No.20079 of 2018

S.Balachandar

...Petitioner

Vs

P.Vaiyapuri

...Respondent

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code against the fair and decreetal order of the learned Principal Subordinate Judge, Namakkal in R.E.A.No.106 of 2018 in R.E.P.No.69 of 2015 in O.S.No.594 of 2003 dated 26.07.2018.

For Petitioner : Mr.P.Dinesh Kumar

For Respondent : Mr.R.Marudhachalamurthy

ORDER

The parties have arrived at an in principle agreement with reference to the above revision. The revision petitioner has undertaken to pay a sum of Rs.7,00,000/- as full and final settlement to the plaintiff/decreed holder in the suit O.S.No.594 of 2003. This sum of Rs.7,00,000/- includes the amount now lying in the credit of the suit O.S.No.594 of 2003 on the file of the Principal Subordinate Judge, Namakkal.

2.The revision petitioner shall pay the difference amount to the respondent in two instalments, on or before 15.06.2019, failing which the plaintiff is entitled to bring the property to sale. On receipt of the entire payment the decreed holder shall withdraw the Execution Proceedings in R.E.P.No.69 of 2015, pending on the file of the Principal Subordinate Judge, Namakkal. It is also represented that the Judgement Debtor has paid the Court fee of Rs.1,13,740/- in S.A.No.162 of 2015 and the same has been dismissed as default for which the Judgement Debtor has filed an application for restoration. The counsel for the

respondent/decreed holder has no objections to the Second Appeal being restored and the Court fee being taken back by the revision petitioner after making due applications before the concerned Court.

3. It is well open to the decreed holder to move to the Principal Subordinate Judge, Namakkal, to withdraw the amounts lying to the credit of the suit O.S.No.594 of 2003, immediately on receipt of a copy of the order in the revision.

The Civil Revision Petition is disposed of on the above lines. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

10.04.2019

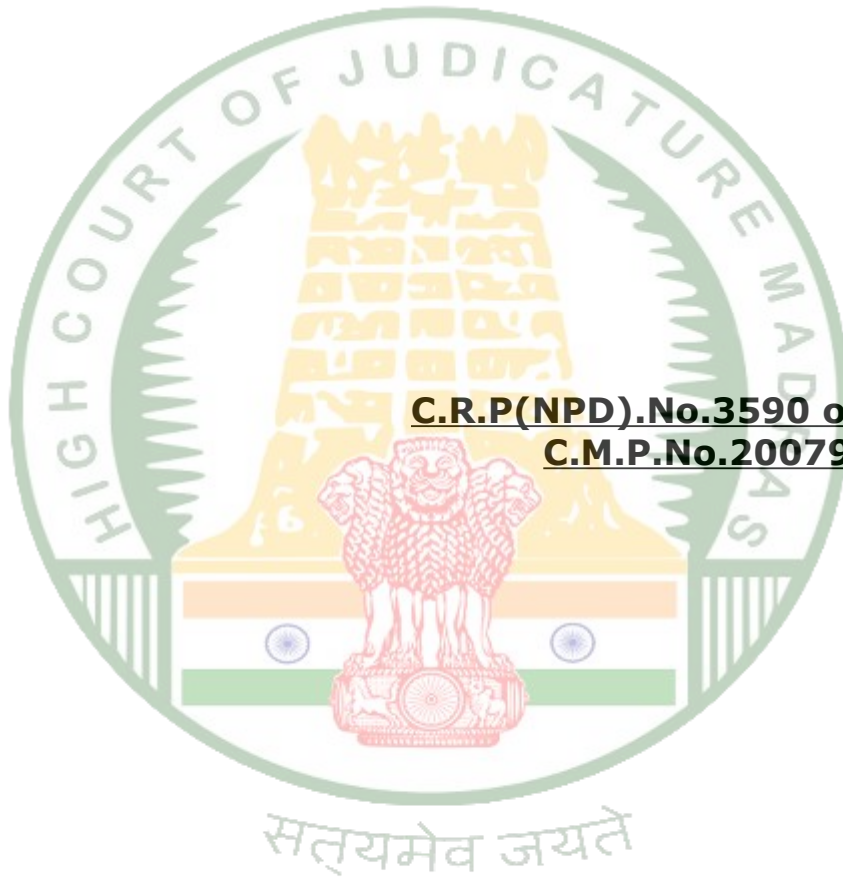
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Index : Yes/No
Speaking order/non-speaking order

Note: Issue order copy on 15.04.2019

To
The Principal Subordinate Judge,
Namakkal.

P.T.ASHA, J.,

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