



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 26.11.2019

CORAM

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**THE HONOURABLE MS. JUSTICE P.T.ASHA**

C.R.P. (NPD) (MD) No.1158 of 2011

S.Baskaran

.. Petitioners

Vs.

M.Ponnusamykonar

.. Respondent

**Prayer :** This Civil revision petition is filed under Section 115 of Civil Procedure Code, to set aside the ex order and fair order dated 13.12.2010 in E.A.No.423 of 2010 in E.P.No.25 of 2009 in O.S.No.46 of 2006 on the file of the learned Subordinate Judge, Sankarankovil.

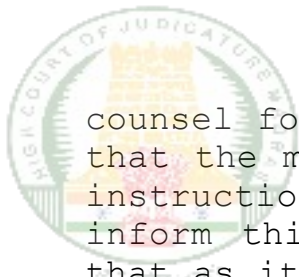
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|----------------|---------------------|
| For Petitioner | : Mr.Shankar Ganesh |
| For Respondent | : Mr.Shaji Chellan  |

**ORDER**

The above civil revision petition arises against the order passed by the execution Court in E.A.No.423 of 2010 in E.P.No.25 of 2009, wherein the judgment debtor has sought to pay the decree amount of a sum of Rs.2,14,490/- (Rupees Two Lakhs Fourteen Thousand Four Hundred and Ninety only) in the monthly installments of Rs.3,000/- (Rupees Three Thousand only) per month. The learned Judge has dismissed the said petition on the ground that the execution Court does not have the jurisdiction to allow the repayment of decree amount in installments and therefore, if the suit amounts are paid in installments, it will take a long period to repay the decree amount. By which time, the interest will be high. The said order is taken up for challenge before this Court.

2.Heard the counsel and perused the papers.

3.The execution Court has rightly dismissed the application, since there is no provision under the Court of law for such mode of recovery of decree amount. It is seen from the records that the petitioner has paid a sum of Rs.1,00,000/- (Rupees One Lakh only) pursuant to the conditional order, which was given by this Court on 12.07.2011. The learned counsel on both sides are unable to state as to whether the entire amount has been cleared. However, on the last occasion on 21.11.2019, the learned



counsel for the respondent had submitted that he had been informed that the matter has been settled and he would like to get written instructions in this regard. Today the learned counsel is unable to inform this Court as to whether the matter has been settled. Be that as it may. Considering the fact that there is no infirmity in the order impugned, this Civil Revision Petition is dismissed. The payments made by the Judgment debtor pursuant to the order of this Court would be adjusted if any amounts are still due. The observation made herein will have no bearing on the execution petition. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Mrn  
To

The Subordinate Judge, Sankarankovil.

Copy to

The Record Keeper,  
VR Section  
Madurai Bench of Madras High Court,  
Madurai-2 copies

+1 cc to Mr.R.Shankar ganesh , Advocate SR.No.102353

**C.R.P. (NPD) (MD) No.1158 of 2011**  
**26.11.2019**

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