



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.R.P. (NPD) (MD) No.210 of 2012
and M.P.Nos.1 of 2015 and 2 of 2012

Selvaraj,
S/o.Narayanan Nadar

... Petitioner/defendant

-vs-

Selvaraj,
S/o.Anthoni Pillai

... Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order dated 23.08.2011 in E.P.No.32 of 2009 in O.S.No.201/2006 on the file of the Principal District Munsif, Nagercoil, Kanyakumari District.

For Petitioner : Mr.E.V.N.Siva
For Respondent : Mr.K.Prabhu

O R D E R

The present Civil Revision Petition has been filed challenging the order in E.P.No.32/2009 in O.S.No.201/2006 dated 23.08.2011 passed by the District Munsif, Nagercoil.

2. The respondent is the plaintiff and the petitioner is the defendant in the suit. The respondent plaintiff filed the suit under Order VII Rule 1 of Code of Civil Procedure. Pending suit, for the non payment of the money and praying for putting the defendant in civil prison, the plaintiff filed E.P.No.32/2009 under Order XXI Rule 37 ad 38 CPC. The Court below by order dated 23.08.2011 directed the defendant to pay the decree amount in instalments within a period of two months. Aggrieved by the said order, the defendant is before this Court with the present Civil Revision Petition.

3.It is submitted by the learned counsel for the petitioner that the Court below has not considered the documents marked by the petitioner and hence prayed for setting aside the order of the Court below.

4. Heard the learned counsel for the respondent, who would submit that before the Court below, the petitioner has agreed to pay



the said amount and hence, no interference is warranted to the order of the Court below.

5. It is seen that before the Court below, the petitioner has agreed to pay the amount in seven instalments and that beyond two instalments, he did not pay the same and hence, there arose a default. Since the order has not been complied with, this Court is of the view that no relief could be granted in the present Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

The Principal District Munsif,
Nagercoil, Kanyakumari District.

+1 CC to Mr.K.PRABHU, Advocate (SR-102652[F] dated 29/11/2019)

+1 CC to Mr.E.V.N.SIVA, Advocate (SR-102749[F] dated 29/11/2019)

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MK (31.12.2019) 2P 4C