



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.R.P.NPD (MD)No.468 of 2012

S.Shajahan

: Petitioner / Respondent

Vs.

1.The Branch Manager,
Syndicate Bank
Thamaraipadi Branch
Dindigul Taluk.

: Respondent/Appellant

2.The Personal Divisional Manager,
Southern Railway
Madurai Division.

: Respondent/third party

PRAYER: Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order dated 08.08.2011 made in E.P.No.37 of 2009 on the file of the Principal Subordinate Court, Dindigul in L.A.C.No.92 of 2008 on the file of the District Legal Services Authority, Dindigul.

For Petitioner

: Mr.J.Lawrance

For Respondents

: Mr.A.M.P.Pugalendhi for R1

No appearance for R2

ORDER

This Civil Revision Petition has been filed against the impugned decreetal order dated 08.08.2011 passed in E.P.No.37/2009 by the Principal Sub Court, Dindigul, allowing the execution petition.

2.It is contended by the petitioner that when the petitioner has borrowed a sum of Rs.1,25,000/- from the Syndicate Bank, Thamaraipadi Branch, Dindigul District, the first respondent herein, the said amount was not repaid. Therefore, a money suit was filed and subsequently the matter was referred before the Lok Adalat and a settlement was reached, by which, the petitioner agreed to settle the sum of Rs.1,25,000/- at the rate of Rs.2,000/- per month, which should be paid on the 15th of every month commencing from 15.03.2008 and closed on 15.09.2008. But the said settlement was not given effect to. Therefore, an Execution petition came to be filed by the first respondent Bank.

3. When the matter was admittedly settled in Lok Adalat, on the terms of the settlement, the petitioner should have paid a sum of Rs.1,25,000/-. However, taking lame excuses that his family situation was not conducive, he has not complied with the terms of settlement. Therefore, the respondent Bank has filed the Execution



Petition in E.P.No.37/2009 in L.A.C.No.92/2008 on the file of the Principal Subordinate Court, Dindigul to attach the petitioner's salary from his employer. This was subsequently made over to the Principal Sub Judge for disposal. It was the claim of the respondent bank that the decretal amount of Rs.1,25,000/- together with interest at the rate of 13.5% per annum from 20.02.2008 till 31.12.2008, comes to Rs.1,51,048/-, which should be paid. The execution Court also allowed the petition and ordered attachment of Rs.3,000/- out of Rs.10,000/- from the salary of the petitioner, as against the said attachment order, the present Civil Revision Petition has been filed.

3. It is seen that there was a settlement reached before the Lok Adalat on 20.02.2008. However, the petitioner has failed to comply with the terms of the settlement, which compelled the respondent bank to approach the execution court with E.P.No.37/2009 in L.A.C.No.92/2008 and therefore, the execution court has rightly passed the order directing the petitioner to pay a sum of Rs.3,000/- by way of attachment order.

4. In view of the facts and circumstances of the case, this Court does not find any infirmity or error in the order passed by the Court below.

5. The petitioner, having borrowed a sum of Rs.1,25,000/- from the respondent Bank, has committed default and the respondent Bank has filed a money suit in LAC No.92/2008, the same was decreed on 20.02.2008, ironically, the petitioner failed to pay the money. Even thereafter a settlement reached before the Lok Adalat, by which, the petitioner has agreed to pay a sum of Rs.2,000/- and settle the amount on or before 15.09.2008 that was also not complied with, which forced the respondent Bank to file an EP No.37/2009. Finally, the respondent obtained an order in the said Execution petition. It is seen that when the petitioner is capable of defending the money suit, the execution petition and the Civil Revision Petition by engaging a counsel, his intention is only to drag on the matter by spending the money in litigious expenses, however, he is not inclined to repay the said amount to the Bank. Therefore, for wasting the precious and valuable time of the Courts below and this Court, while dismissing the Civil Revision Petition, this Court imposes a cost of Rs.25,000/- (Rupees twenty five thousand only) on the petitioner and the said amount is payable to the respondent bank. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (records)

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/ /2020

Sub Assistant Registrar (CS)



1.The Principal Subordinate Judge, Dindigul

2.The District Legal Services Authority, Dindigul.

+1 CC to Mr.J.LAERANCE, Advocate (SR-103956[F] dated 09/12/2019)

+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-104164[F] dated
10/12/2019)

+1.CC. To Mr.A.M.P.Pugalendhi , Advocate in SR No.104015

CRP (NPD) (MD) No.468 of 2012
06.12.2019

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