



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.595 of 2019

IN

CRP(MD) No.SR2566 of 2019

RADHAKRISHNAN

... PETITIONER/PETITIONER

Vs

A.S.S.SETHURAMA SUBRAMANIAN

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 29 days in filing the civil revision petition against the Judgment and Decree dated 06.08.2018 passed in EP No.1 of 2016 in OS No.218 of 2010 on the file of Sub Court, Srivilliputtur and thus render justice.

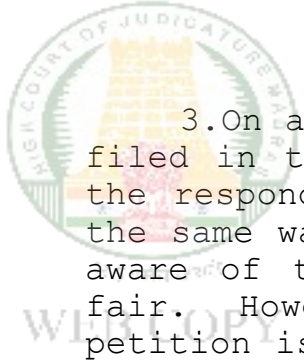
PRAYER IN CRP(MD) No.SR2566 of 2019:

To set aside the fair and Decreetal order 06.08.2018 passed in E.P.No.1 of 2016 in O.S.No.218 of 2010 on the file of the Sub Court, Srivilliputtur.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.SUDALAIYANDI, Advocate for the petitioner and of MR.B.RAJESH SARAVANAN, Advocate on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner contended that the respondent herein filed a suit in O.S.No.218 of 2010, on the file of the Sub Court, Srivilliputhur for recovery of a sum of Rs.7,69,500/-, based on the promissory note however, the respondent has not paid the said. Hence, the respondent filed E.P.No.1 of 2016 in O.S.No.218 of 2010, on the file of the Sub Court, Srivilliputhur for the arrest of the petitioner and the same ordered in favour of the respondent on 06.08.2018.

2.The learned counsel for the petitioner further submitted that he received the copy of the said order on 29.10.2018 and there occurs the delay of 29 days in filing this civil revision petition.



3. On a perusal of the records, it is observed that the suit was filed in the year 2010 and the suit was decreed on 28.01.2013 and the respondent filed an execution petition in E.P.No.1 of 2016 and the same was decreed 06.08.2018. Since the petitioner is all along aware of the proceedings, the delay in filing the appeal is not fair. However, the delay of 29 days in filing this civil revision petition is condoned on condition that the petitioner shall deposit 50% of the decree amount to the credit of E.P.No.1 of 2016 in O.S.No.218 of 210 on the file of the Sub Court, Srivilliputhur, within a period of two weeks from the date receipt of a copy of this order.

4. Registry is directed to number the petition, if it is otherwise in order.

5. Post the civil revision petition after two weeks.

sd/-
28/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUBORDINATE JUDGE,
SRIVILLIPUTTUR.

+1. C.C. to M/S.K.SUDALAIYANDI Advocate SR.No. 3994
+1. C.C. to M/S.B.RAJESH SARAVANAN, Advocate SR.No. 4086

COPY TO:
THE SUB ASSISTANT REGISTRAR,
AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP (MD) No.595 of 2019
IN
CRP (MD) No.SR2566 of 2019
Date :28/02/2019

JM/JC/SAR 2/08.03.2019/2P/5C