



WEB COPY

C.R.P(MD)No.1272 of 2019 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD) No.1272 of 2019 and
CMP (MD) .No. 7008 of 2019

Vijayakumar

... Petitioner

Vs.

M/s. K. Marimuthu Nadar Jaggri Store,
D.No. 174, Sakuni Paalyam Road,
Dharapuram Town,
Dharapuram Taluk,
Triuppur District.

... Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to call for the records relating to the order passed in E.P.No. 38 of 2018 in O.S.No. 157 of 2011, dated 05.07.2019 on the file of the learned Sub Court, Kuzhithurai and set aside the same.

For Petitioner : Mr.B. Christopher

For Respondent : Mr. R. Thangapandian

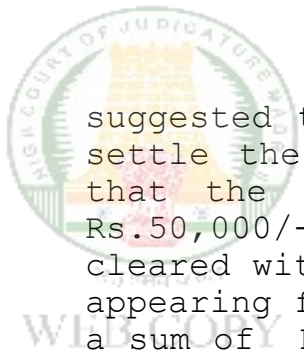
ORDER

This Civil Revision Petition has been filed against the order passed in E.P.No. 38 of 2018 in O.S.No. 157 of 2011, dated 05.07.2019, for the non-compliance of the order passed by the Court below.

2. The only ground raised by the revision petitioner before this Court is that he has no means to pay the outstanding amount as directed by the Court below and he is ready to obey any order of this Court. Further, he undertakes to pay a sum of Rs.15,000/- per month. Hence, the petitioner filed the present Civil Revision Petition. This Court at the time of granting interim stay, directed the revision petitioner to deposit a sum of Rs.2,00,000/- to the credit of E.P.No. 38 of 2018 in O.S.No. 157 of 2011, on the file of the Subordinate Court, Kuzhithurai and the said condition has been duly complied with by the revision petitioner.

3. When the matter was taken up for hearing, this Court

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suggested to deposit a sum of Rs. 40,000/- every month in order to settle the decree amount. However, the learned counsel contended that the revision petitioner may be directed to pay a sum of Rs.50,000/- per month, so that the entire decree amount will be cleared within a period of 18 months time. But, the learned counsel appearing for the petitioner expressed some difficulties to mobilize a sum of Rs.50,000/- per month and he is ready to pay a sum of Rs. 35,000/- every month, for which, the counsel appearing for the respondent has also agreed and the learned counsel for the respondent seeks permission of this Court to withdraw the said amount of Rs.2,00,000/- already deposited before the Court below. With regard to interest portion, the same can be decided by the Court below, after filing the calculation memo by the learned counsel appearing for the respondent.

4. In view of the submission made by the learned counsel appearing on either side, this Court is inclined to pass the following directions:

(i) The revision petitioner is directed to pay a sum of Rs.35,000/- every month, in order to satisfy the decree amount until the entire decree amount is being satisfied.

(ii) The respondent is permitted to withdraw a sum of Rs. 2,00,000/- towards part satisfaction of the decree amount.

(iii) The Execution Court can decide the outstanding amount as per the decree after filing the calculation memo by the respondent / plaintiff.

(iv) Accordingly, the order passed by the Court below in E.P.No. 38 of 2018 in O.S.No. 157 of 2011, dated 05.07.2019 on the file of the learned Sub-Court, Kuzhithurai, is set aside.

5. This Civil Revision Petition is allowed with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

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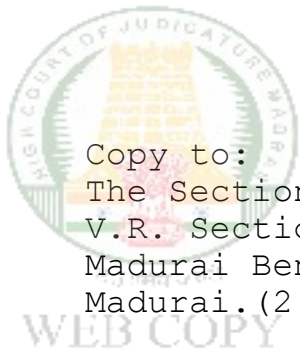
Sub Assistant Registrar(CS)

Trp

To

The Sub Judge, Kuzhithurai

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The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.B.CHRISTOPHER, Advocate (SR-87102[F] dated 17/09/2019)

+1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-87151[F] dated 17/09/2019)

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KK/SAR/23.10.2019/3P-6C/