

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD).Nos.2893 to 2895 of 2012
& 3417 of 2013 and
M.P.No.1 of 2013

M.Kanagaraj

... Petitioner
(in all C.R.Ps)

Vs.

Ayyadurai (died)

1.A.Natarajan

2.A.Soundararajan

3.A.Bala Mohanraj

4.A.Mayandi

5.A.Balakrishnan

.. Respondents

(in C.R.P.No.2893 of 2012)

Mariappan (died)

1.Muthumariammal

2.M.Sreenivasan

.. Respondents

(in C.R.P.Nos.2894 &
2895 of 2012)

Dhanalakshmi

.. Respondent
(in C.R.P.No.3417 of 2013)

Prayer in C.R.P.No.2893 of 2012: This Civil Revision Petition is filed under Section 115 of C.P.C. praying to set aside the Fair and Decreetal Order dated 05.03.2012 in E.A.No.1013 of 2007 in E.P.No.44 of 2007 in O.S.No.474 of 1989 on the file of the II Additional Sub Court, Coimbatore.

Prayer in C.R.P.No.2894 of 2012: This Civil Revision Petition is filed under Section 115 of C.P.C. praying to set aside the Fair and Decreetal Order dated 05.03.2012 in E.A.No.1014 of 2007 in E.P.No.45 of 2007 in O.S.No.471 of 1989 on the file of the II Additional Sub Court, Coimbatore.

Prayer in C.R.P.No.2895 of 2012: This Civil Revision Petition is filed under Section 115 of C.P.C. praying to set aside the Fair and Decreetal Order dated 05.03.2012 in E.A.No.397 of 2008 in E.P.No.187 of 2007 in O.S.No.759 of 1994 on the file of the II Additional Sub Court, Coimbatore.

Prayer in C.R.P.No.3417 of 2013: This Civil Revision Petition is filed under Section 115 of C.P.C. praying to set aside the Fair and Decreetal Order dated 05.03.2012 in E.A.No.1012 of 2007 in E.P.No.43 of 2007 in O.S.No.314 of 1994 on the file of the II Additional Sub Court, Coimbatore.

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(In all cases)

For Petitioner : Ms.G.Devi

For Respondents : Mr.A.E.Ravichandran

COMMON ORDER

The matter is heard through Video Conferencing.

2.The petitioner in all the four Civil Revision Petitions is one and the same. The petitioner is the respondent and the respondents are the petitioners in E.P.Nos.44, 45, 187 and 43 of 2007. One Ayyadurai filed O.S.No.474 of 1989, Mariappan filed O.S.No.471 of 1989 and the respondent in C.R.P.No.3417 of 2013 filed O.S.No.314 of 1990 for recovery of money based on promissory notes and Mariappan filed O.S.No.759 of 1994 for recovery of money based on registered mortgage deed. Pending suit, the plaintiffs in O.S.Nos.474, 471 of 1989 and 759 of 1994 died and subsequently their legal heirs, respondents herein in the respective Civil Revision Petitions were impleaded as necessary parties. All the four suits were decreed ex parte. The legal heirs of the plaintiffs and respondents filed E.P.Nos.44, 45, 187 and 43 of 2007 for executing the decree for realising the amounts decreed. The petitioner filed E.A.Nos.1013 & 1014 of 2007, 397 of 2008 and 1012 of 2007 under Section 47 of C.P.C. in E.P.Nos.44, 45, 187 and 43 of 2007. The Executing Court dismissed all the four E.As filed by the petitioner.

3. Against the said order of dismissal dated 05.03.2012 made in E.A.Nos.1013 & 1014 of 2007, 397 of 2008 and 1012 of 2007, the petitioner has filed the present four Civil Revision Petitions.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the entire materials on record.

5. The learned counsel appearing for the petitioner submitted that petitioner has already deposited a portion of the decretal amount to the credit of E.P.Nos.44, 45, 187 and 43 of 2007 and the petitioner is now ready and willing to pay the balance decretal amount together with interest, after adjusting the amounts already deposited into the credit of E.P.Nos.44, 45, 187 and 43 of 2007, within a period of four weeks and requested for a direction to the E.P court to return the documents of title in the suit on payment of decretal amount after adjusting the amounts already deposited into the credit of above Execution Petitions. The learned counsel appearing for the respondents submitted that if entire decretal amounts are paid after adjusting the amounts deposited into the credit of E.P.s, the respondents have no objection to return the documents of title.

6. Recording the submissions made by the learned counsel appearing for the petitioner as well as respondents, the petitioner is permitted to deposit the decretal amounts, after adjusting the amounts already deposited into the credit of E.P.Nos.44, 45, 187 and 43 of 2007 with interest within a period of four weeks from the date of receipt of a copy of this order and on such deposit, the learned Judge is directed to return the documents of title to the petitioner within a period of one week thereafter. Failing payment of the amounts due, the Execution Court is at liberty to proceed with Execution Petitions as per law.

7. With the above directions, all the four Civil Revision Petitions are disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

15.09.2020

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Index : Yes / No
Internet : Yes / No

NOTE : Issue order copy by 17.09.2020.

V.M.VELUMANI, J.

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To

The II Additional Subordinate Judge,
Coimbatore.



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& 3417 of 2013

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