

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD) No.3818 of 2012

and

M.P.No.1 of 2012

B.Asiathambi

...Petitioner

..Vs..

E.Kalyani

...Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Constitution of India, to set aside the fair order and decretal order in E.P.No.1123 of 2011 in O.S.No.2667 of 1992 dated 19.07.2012 on the file of IX Assistant City Civil Court, Chennai.

For Petitioner : Mr.G.Appavu

For Respondent : No appearance

ORDER

The Judgment Debtor is the Revision Petitioner herein.

2. The respondent-Decree holder filed O.S.No.2667 of 1992 for recovery of money due on pro-note. Suit was decreed on 10.08.2006. Appeal Suit filed by the judgment Debtor was dismissed for default.

Hence, E.P No.1123 of 2011 is filed under Order 21 Rule 54 and 64 of C.P.C. In the said E.P, the learned counsel for the petitioner has filed Ex.B1 in the suit and E.P was allowed and hence, the Civil Revision Petition.

3. The learned counsel for the petitioner/Judgment Debtor relied upon Ex.B1 document filed in the suit stating that the petitioner borrowed the money by depositing the original sale deed in Doc.No.625/87, S.R.O.Guduvancheri and hence, he is ready to deposit the decree amount before the E.P Court and he wants the return of the document by relying upon Ex.B1. The said submission of the learned counsel is taken on record.

4. Considering the scope of the revision petition, this petition shall stand dismissed with a direction to the Execution Court that on deposit of the decretal amount namely Rs.55,363/-. The Judgment Debtor is required to hand over the document marked as Ex.B1 in the suit and on such deposit, the respondent is permitted to withdraw the amount. No costs. Consequently, connected M.P is closed.

31.01.2020

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Index:Yes/No

Speaking Order:Yes/No

To

The IX Assistant City Civil Court, Chennai.

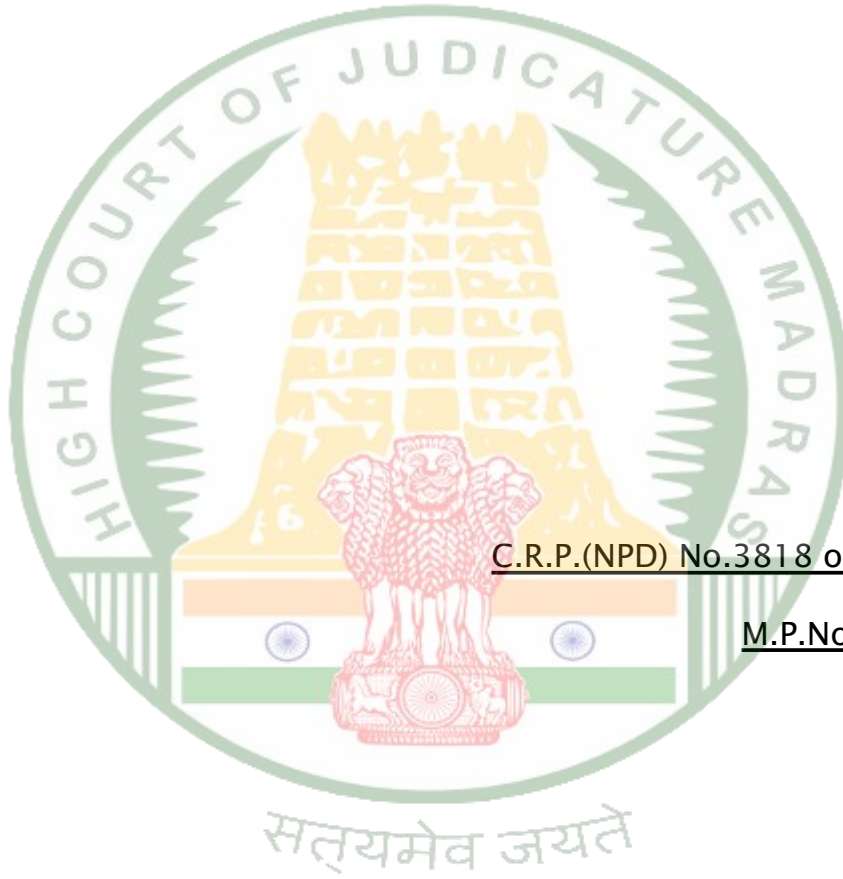


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RMT.TEEKAA RAMAN,J.,

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