

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

The Hon'ble Mr.Justice Krishnan Ramasamy

CRP (NPDs)Nos.944 & 1049 of 2015

and

C.M.P.Nos.1 &1 of 2015

S.Srinivasan

.. Revision Petitioner in
C.R.P.(NPD) No.944 of 2015

1.D.Ramachandran

2.S.Pandian

.. Revision Petitioners 1 and 2
in C.R.P.(NPD) No.1049 of 2015

VS.

M/s.Shriram City Union Finance Ltd.,
Rep. by its Authorised Signatory,
S.Dhandapani,
No.123, Angappa Naicken Street,
Chennai-600 001.

..Respondent in both CRPs

PRAYER in C.R.P.(NPD) No.944 of 2015

Civil Revision Petition filed under Article 115 of the Code of Civil Procedure to allow the Civil Revision Petition and set aside the order passed in E.P. No.2276 of 2013 in ACP No. [EF/CMS 035 of 2012] on the file of the X Assistant Judge, City Civil Court, Chennai, dated 06.01.2015.

PRAYER in C.R.P.(NPD) No.1049 of 2015:

Civil Revision Petition filed under Article 115 of the Code of Civil Procedure to allow the Civil Revision Petition and set aside the fair and decreetal order passed in E.P. No.2274 of 2013 in A.C.P.No. [EF/CMS 035 of 2012] on the file of the X Assistant Judge, City Civil Court, Chennai, dated 06.01.2015.

Appearance of the counsels in both C.R.Ps.

For Revision Petitioners : M/S.C.K.M.Appaji

For Respondent : Mr.K.V.Anantha Krishnan

COMMON ORDER

Both the Civil Revision Petitions have been filed against the order passed in E.P. Nos.2274 and 2276 of 2013 in ACP No. [EF/CMS 035 of 2012] on the file of the X Assistant Judge, City Civil Court, Chennai, dated 06.01.2015.

2. According to the learned counsel for the respondent, Execution Petitions were filed by the respondent for recovery of a sum of Rs.2,61,387/-, consequent to the arbitration award passed by the Arbitrator, dated 22.06.2012. The Executing Court was pleased to allow the Execution

Petitions, by order dated 06.01.2015. Against the said order, C.R.P.(NPD) No.944 of 2015 was filed by the judgement debtor. Insofar as C.R.P.No.1049 of 2015 is concerned, the same was filed by the guarantors.

3. When the matters are taken up for hearing, the learned counsel appearing for the respondent would submit that, as on 10.01.2021, the revision petitioners have paid a sum of Rs.2,48,610/- and the balance amount, which the revision petitioners are liable to pay is Rs.12,777/- only. The details of the same is furnished in a tabulated column, mentioned below:-

S.No	Description	Amount
1.	EP CLAIM	Rs.2,61,387/-
2.	Less:- Payment received on the following dates: 23.06.2014 - Rs. 20,000/- 17.12.2016 - Rs.1,65,620/- 12.10.2017 - <u>Rs. 62,990/-</u> Rs.2,48,610/-	Rs.2,48,610/-
3.	Balance payable amount	Rs. 12,777/-

4. When the matters are taken up for hearing on the last occasion (i.e. 02.09.2021), this Court suggested the learned counsel for the revision petitioner to get instructions from his clients and ascertain whether the revision petitioners are ready and willing to pay the balance sum of Rs.12,777/- to the respondent. However, the learned counsel informed that he is not able to contact his clients (revision petitioners) and hence, requested this Court to pass suitable and appropriate orders.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. On perusal of the records, it is seen that the present Civil Revision Petitions were filed in the year 2015. At the time of filing the Revision Petitions, the total amount due to be payable by the revision petitioners was Rs.2,61,387/-. Subsequently, the revision petitioners have paid substantial sum of Rs.2,48,610/-. This shows that the revision petitioners are admitting the claim amount and have paid nearly 95% of the

entire suit claim and the balance, which the revision petitioners are liable to pay is Rs.12,777/-.

7. In view of the fact and circumstances of the case, this Court is of the view that though the Revision petitioners have filed Revision Petitions challenging the orders passed by the Executing Court, since they have fairly accepted the order passed by the Executing Court and paid 95% of the total claim, nothing survives for further adjudication in the Revision Petitions to find out any fault in the decision making process of the Executing Court.

8. Therefore, this Court, while agreeing with the findings of the Executing Court, holds that nothing survives for further adjudication in these Revision Petitions.

9. In the result, both the Civil Revision Petitions stands dismissed. However, since the revision petitioners are liable to be pay the balance sum of Rs.12,777/-, they are hereby directed to pay the said amount within a period of four weeks from the date of receipt of a copy of this

order. No costs. Consequently connected miscellaneous petitions are closed.

06.09.2021

Index: Yes/No
Speaking/Non-speaking Order
jd/sd

To

The X Assistant Judge,
City Civil Court, Chennai.



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Krishnan Ramasamy, J.,
jd/sd



**CRP (NPDs)Nos.944 & 1049 of 2015
&
C.M.P.Nos.1 of 2015**

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