

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.2185 of 2018
and CMP.No.13764 of 2018

P.Saravanan

..Petitioner

Vs.

1.Shriram Chits Tamil Nadu Pvt Ltd.,
Tej Tower, 2nd Main Bazar Road,
Collector Nagar, Mugapair East,
Chennai-50

2.S.Vasuki

3.M.Sankarasubbu

4.Sukumar

5.C.K.Kameswaran

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the order and docket order dated 29.06.2018 in EA.No.2806 of 2017 in EP.No.2255 of 2016 passed by the learned IX Assistant City Civil Court at Chennai.

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For Petitioner : Mr.R.Chandrasudan

For Respondents

For R1 : Mr.W.M.Abdul Majeed

For R2 to 5 : given up

ORDER

This Civil Revision Petition is filed against the order and docket order dated 29.06.2018 in EA.No.2806 of 2017 in EP.No.2255 of 2016 passed by the learned IX Assistant City Civil Court at Chennai, thereby allowing the condone delay petition on condition that the petitioner shall pay 1/10 of the decree amount.

2. The petitioner is one of the judgment debtor in the proceedings in ARC.No.7 of 2013 before the Arbitrator. On the strength of the decree, the first respondent filed execution petition. Before the execution court, the petitioner was set exparte and as such the petitioner filed petition to set aside the exparte order with the delay of 231 days in filing the petition to set aside the exparte order. The execution court allowed the petition to condone the delay on condition that the petitioner is directed to pay 1/10 of the EP claim amount Rs.12,11,289/- to the first respondent herein directly. Aggrieved by the same, the present civil revision petition has been preferred.

3. The only contention raised in the civil revision petition is that while allowing the condone delay petition, the court below

imposed onerous condition. Since the petitioner is not a borrower and he stood as guarantor, the court below directed the petitioner to pay only 1/10 amount and as such this Court felt it is very reasonable order and imposed reasonable condition. Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

15.06.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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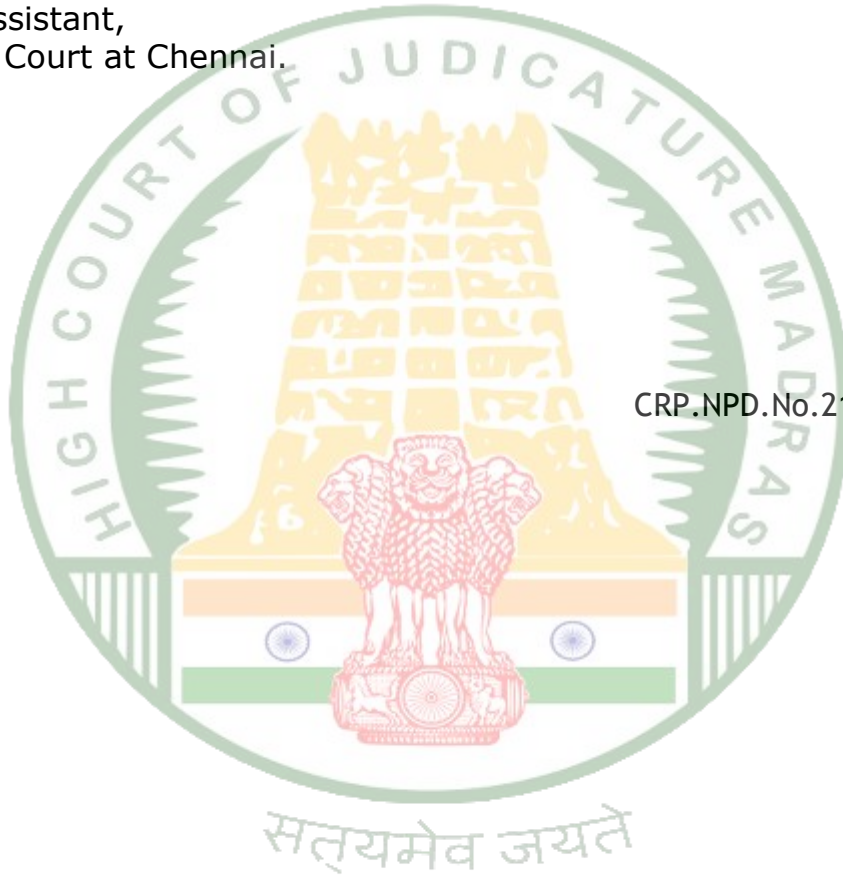
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G.K.ILANTHIRAIYAN,J.

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To

The IX Assistant,
City Civil Court at Chennai.



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