

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

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

CRP.NPD.No.2754 of 2016

and

CMP.No.14119 of 2016

S.V.Chidambaram Petitioner

Vs.

M/s.Sriram City Union Finance Ltd.,
21, Ram Complex, 2nd floor,
Pudupalayam Main Road,
Cuddalore – 1. Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 29.04.2016 passed in E.P.No.246 of 2011 in A.C.P.No.1583 of 2009 before the Principal District Munsif Court, Cuddalore.

For Petitioner : Mr.T.Sezhian

For Respondent : Mr.R.Subramanian

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in E.P.No.246 of 2011 in A.C.P.No.1583 of 2009 dated 29.04.2016 on the file of the Principal District Munsif Court, Cuddalore, thereby, arresting in the Execution Petition.

2. The petitioner borrowed a loan for purchasing of Washing Machine and Television to the tune of Rs.27,900/- from the respondent. Thereafter, he repaid a sum of Rs.26,128/- and for the remaining amount, the respondent initiated arbitration proceedings. The learned Arbitrator passed an award for a sum of Rs.25,368/- with interest. In pursuant to the award, the respondent filed an Execution Petition, in which the Execution Court ordered arrest of the petitioner herein. While admitting the present Civil Revision Petition, this Court imposed on condition that the petitioner shall deposit Rs.15,000/- to the credit of E.P.No.246 of 2011. Accordingly, the petitioner complied with the condition and deposited the said amount.

3. The learned counsel for the petitioner submitted that the petitioner is farmer and he has no means to pay the amount. He further submitted that

so far, the petitioner paid a sum of Rs.32,000/- as against the loan borrowed by him to the tune of Rs.27,900/-. However, the petitioner is ready and willing to pay Rs.5,000/- to the respondent.

4. Considering the above submission, this Civil Revision Petition is allowed and the order passed in E.P.No.246 of 2011 in A.C.P.No.1583 of 2009 dated 29.04.2016 is set aside on condition that the petitioner shall deposit a sum of Rs.5,000/- to the credit of E.P.No.246 of 2011 within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the respondent is permitted to withdraw the amount deposited by the petitioner. Consequently, the connected Miscellaneous Petition is closed. No costs.

01.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

kv

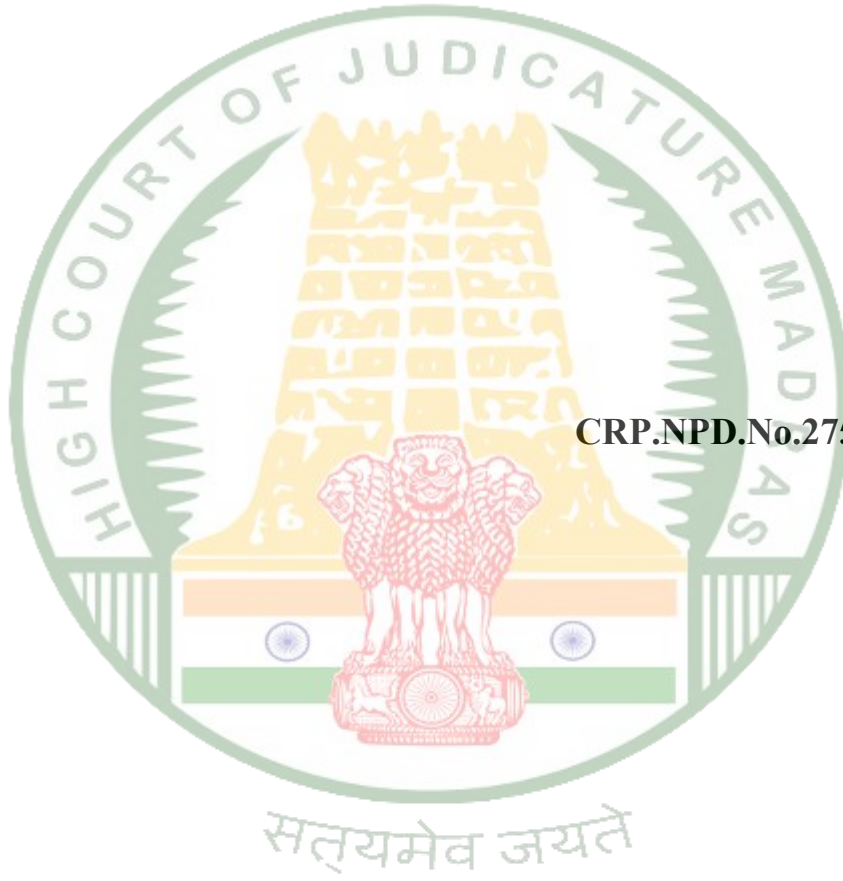
To

1. The Principal District Munsif, Cuddalore.
2. M/s.Sriram City Union Finance Ltd.,
21, Ram Complex, 2nd floor,
Pudupalayam Main Road,
Cuddalore – 1.

3/4

G.K.ILANTHIRAIYAN,J.

Kv



CRP.NPD.No.2754 of 2016

WEB COPY

01.03.2021