

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

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

CRP.NPD.No.912 of 2016 and
CMP.No.5051 of 2016

R.Parthasarathy

..Petitioner

Vs.

Shriram Chits Tamilnadu Pvt Ltd.,
No.46, Visvanathapuram Main Road,
Kodambakkam,
Chennai - 600 024

..Respondent

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the fair and decreetal order dated 11.02.2016 and made in EA.No.5518 of 2015 in EP.No.4957 of 2013 on the file of IX Assistant City Civil Court, Chennai in ARC.No.2283 of 2004 on the file of the Arbitrator, Chit Funds Dispute, Chennai Central District.

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For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.P.Vijayakumar
for Mr.R.Subramanian

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 11.02.2016 made in EA.No.5518 of 2015 in EP.No.4957 of 2013 on the file of IX Assistant City Civil Court, Chennai in ARC.No.2283 of 2004 on the file of the Arbitrator, Chit Funds Dispute, Chennai Central District thereby allowing the petition to condone the delay of 478 days in filing the petition to set aside the exparte order of attachment.

2. The respondent herein filed claim petition and the same was decreed by the award dated 30.10.2005. In pursuant to the said decree, the respondent filed execution petition and the same was also decreed exparte. The petitioner is being 4th respondent in the claim proceedings filed petition to set aside the exparte order passed in the execution petition with the delay of 478 days and the same was allowed on condition that the petitioner shall deposit 1/3 of the execution petition amount. Aggrieved by the same, the present civil revision petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner is a Government employee and other guarantors and the

borrowers are very much available. Even then, the execution court allowed the setting aside the exparte order petition on condition that the petitioner shall deposit 1/3 of the decree amount. However, he is ready and willing to deposit Rs.75,000/- in the execution proceedings and prayed to allow him to contest the execution petition.

4. While admitting the present civil revision petition, stay was granted on condition that the petitioner shall deposit a sum of Rs.50,000/- to the credit of execution proceedings. Accordingly, the petitioner complied with the same and he is ready and willing to deposit another Rs.25,000/-. Considering the said submission, the order dated 11.02.2016 passed in EA.No.5518 of 2015 in EP.No.4957 of 2013 on the file of IX Assistant City Civil Court, Chennai is set aside insofar as the depositing condition alone on condition that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of execution petition in EP.No.4957 of 2013 within a period of two weeks from the date of receipt of copy of this order. Further, the petitioner is permitted to contest the execution proceedings in the manner known to law.

5. Accordingly, this civil revision petition is allowed.

Consequently, connected miscellaneous petition is closed. No order as to costs.

15.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

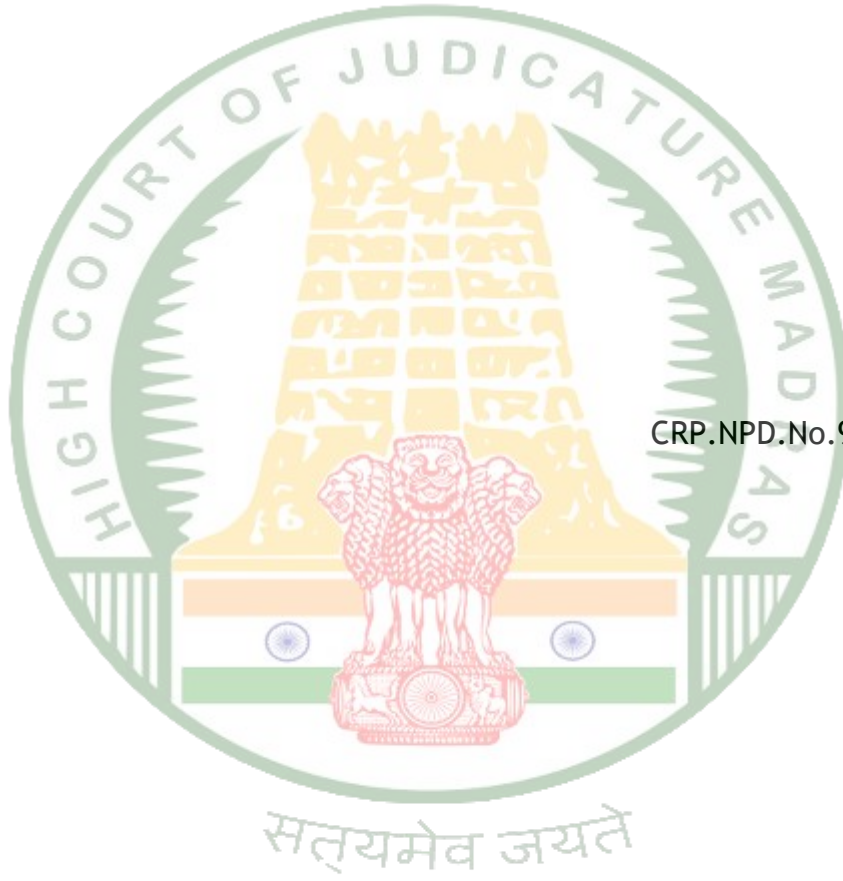
- 1.The IX Assistant Judge,
City Civil Court,
Chennai
- 2.The Arbitrator,
Chit Funds Dispute,
Chennai Central District.



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G.K.ILANTHIRAIYAN,J.

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