

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

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

C.R.P.(NPD) No.2625 of 2018

and

CMP Nos.15728 of 2018 and 11554 of 2019

M/s.Shanmugam Store Unit,
C/o.R.A.Samy Trading Pvt. Ltd.,
rep by R.A.Samy, Director,
No.21, Ranganathan Street,
T.Nagar, Chennai – 600 017.

..... Petitioner

Vs

M/s.Bagawandas & Co
Rep by Murarilal Sonthalia
Managing Partner,
S/o.Late Shyamlal Sonthalia,
Old.No.665, New No.46,
Sembudoss Street,
Chennai – 600 001.

..... Respondent

Prayer :- Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to set aside the fair and decretal order dated 11.07.2018 made in E.P.No.1880 of 2017 in O.S.No.2316 of 2013 on the file of the X Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.Silambanan, Senior Counsel
for Mr.A.Paramasivam

For Respondent : Mr.C.Parthiban

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 11.07.2018 made in E.P.No.1880 of 2017 in O.S.No.2316 of 2013 on the file of the X Assistant Judge, City Civil Court, Chennai, thereby ordered to attach the movable properties of the Judgment Debtor.

2. The petitioner is the Judgment Debtor and the respondent is the Decree Holder. The respondent filed a suit in O.S.No.2316 of 2013 for recovery of money and the principal amount of Rs.6,30,488/- together with interest at the rate of 24% per annum. The suit was duly contested and decreed in favour of the respondent herein.

3. On the strength of the decree, the respondent filed an Execution Petition in E.P.No.1880 of 2017 and the same was ordered to attach the movable properties of the Judgment Debtor. Hence, the learned Senior counsel submitted that while admitting the present Civil Revision Petition, this Court granted stay on condition that the petitioner shall deposit a sum of Rs.1,00,000/- and accordingly, the petitioner complied with the condition. The interest awarded by the Court below at the rate of 24% of interest per annum is very high and is liable to be reduced. He further submitted that part of the amounts were already paid and the same was not

deducted while granting the decree.

4. Admittedly, the petitioner did not prefer an appeal suit as against the Judgment and Decree dated 24.07.2015. In the Execution Petition, they filed a counter stating that sufficient opportunity was not given to the petitioner to contest the suit. Even then, the petitioner did not prefer any appeal suit and as such, the Execution Court held that in the interest portion whatever the submission made is beyond the decree. Hence, this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

14.07.2021

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Index: Yes/No

Internet: Yes/No

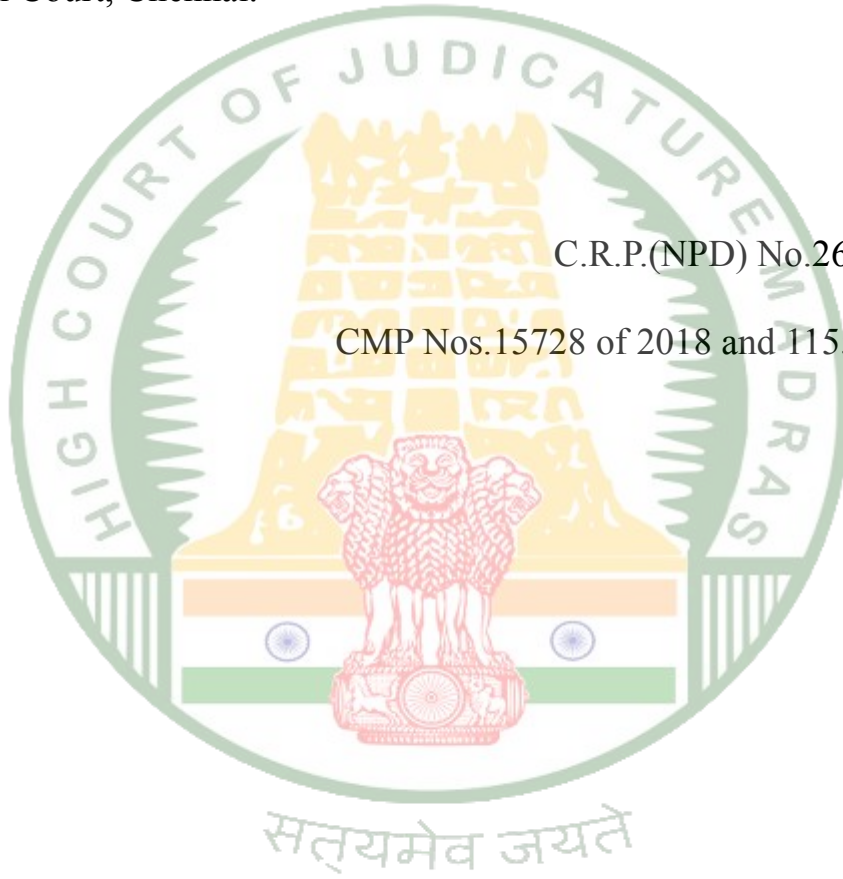
Speaking Order: Yes/No

G.K.ILANTHIRAIYAN,J.

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To

The X Assistant Judge,
City Civil Court, Chennai.



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