

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P. (NPD) No.846 of 2018

and

C.M.P.No. 4678 of 2018

J.Vinayagamoorthy

....

Petitioner

Vs

1. K.Durai

2. Indira

....

Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 02.02.2018 made in E.P.No.10 of 2017 in O.S.No.39 of 2010 on the file of the learned District Munsif, Arni, Tiruvannamalai District.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : No appearance

ORDER

This Civil Revision Petition is filed against the docket order dated 02.02.2018 made in E.P.No.10 of 2017 in O.S.No.39 of 2010 on the

file of the learned District Munsif, Arni, Tiruvannamalai District, thereby ordering arrest.

2. The revision petitioner is the Judgment Debtor and the first respondent is the Decree Holder. The first respondent filed a suit in O.S.No.39 of 2010 for recovery of money as against the petitioner and the second respondent and the same was decreed in favour of the first respondent. On the strength of the decree, the first respondent filed an Execution Petition in E.P. No.10 of 2017. In the Execution Petition, the petitioner filed a counter stating that so far he paid a sum of Rs.27,500/- and prayed for remaining balance amount. However, the petitioner failed to substantiate the said submission by way of any material evidence. When the first respondent filed a suit and obtained the decree as against the petitioner, when the petitioner made any payment he is duty bound to get acknowledgement from the first respondent. Whereas, the petitioner did not receive any acknowledgement while making payment as alleged in the counter. Therefore, the Court below rightly ordered civil arrest as against the petitioner, if the amount is not settled.

3. That apart, while granting interim order of stay, this Court imposed a condition that the petitioner shall pay a sum of Rs.7,000/- to the credit of the E.P.NO.10 of 2017 in O.S.No.39 of 2010 on the file of the District Munsif, Arni, within a period of four weeks from the date of receipt of a copy of that order which also was not complied with. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

29.07.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To

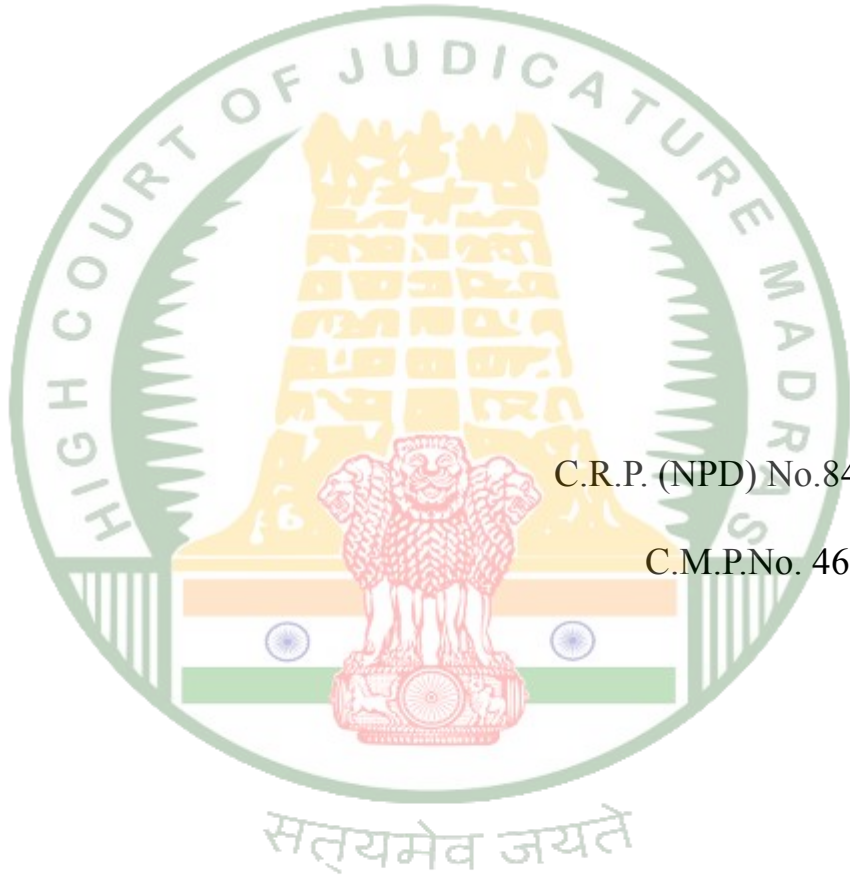
1. The District Munsif,
Arni.

2. The Section Officer,
V.R Section, High Court, Madras.

C.R.P. (NPD),No.846 of 2018

G.K.ILANTHIRAIYAN.J,

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