



CRP (NPD) No. 2850 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.12.2021**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) No. 2850 of 2021

And

C.M.P.No. 20641 of 2021

S.Rajendiran

... Petitioner/Petitioner/Judgement
Debtor

Vs

1. P.Menaka
2. C.R.Lakshmipathy
3. C.L.Sathish Kumar

... Respondents/Respondents/Decree Holders

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order and decreetal order passed in E.A.No. 1 of 2019 in O.S.No. 2022 of 2002 by the learned X Assistant City Civil Court Judge, Chennai, dated 14.02.2020.

For Petitioner : Mr. H.Adaikala Arockiaraj



CRP (NPD) No. 2850 of 2021

ORDER

Challenge in this revision is to the order of the trial Court setting aside an exparte order in execution on condition that the petitioner deposits a sum of Rs.2,00,000/- being portion of the decree amount.

2. The grievances of the petitioner is that the condition is too onerous as the Court has directed deposit of Rs.2,00,000/-.

3. I am unable to countenance the contention of the learned counsel for the petitioner, who argues that the condition is onerous. The amount due under the decree is Rs.11,81,069.82 as of the year 2015 and the Execution Petition was filed on 06.11.2015. If subsequent interest is added for six years, the amount due would be more than Rs.15 lakhs. Therefore, the amount directed to be deposited is less than Rs.15% of the decree amount at no stretch of imagination can be said to be onerous condition.



CRP (NPD) No. 2850 of 2021

WEB COPY

4. I do not see any reason to interfere with the discretion exercised by the Executing Court. Hence, this Civil Revision Petition fails and it is accordingly dismissed.

5. Since time is granted by the trial Court had expired, the petitioner is granted six weeks from today to deposit a sum of Rs.2,00,000/- as directed by the Executing Court. No costs. Consequently, connected Miscellaneous Petition is closed.

23.12.2021

vsg

Index: Yes/No

Speaking order / Non speaking order

To:

1. XVI Additional City Civil Court, Chennai.

2. The Section Officer,
VR Section,
Madras High Court, Chennai.

3/4



WEB COPY



CRP (NPD) No. 2850 of 2021

R.SUBRAMANIAN, J.

Vsg

CRP (NPD) No. 2850 of 2021

And

C.M.P.No. 20641 of 2021

23.12.2021