



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Twenty Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

CMP(MD) . No.1110 of 2021

IN

CRP(MD) No.1634 of 2014

K.Santhanam

...Petitioner/Petitioner

Vs

A.Anbukarasu

... Respondent/Respondent

Prayer in CMP(MD) . No.1110 of 2021:-

This Civil Miscellaneous Petition filed under section 151 of C.P.C. Praying this Court, to modify the order dated 07-10-2020 made in C.R.P.No. 1634 of 2014 deleting "the matter was settled between the parties" in para No.3 of the order dated 07-10-2020

Prayer in CRP(MD) No.1634 of 2014:-

This Civil Revision Petition filed under Article 227 of the Constitution of India, seeking early disposal of E.P.No.77 of 2009 in O.S.No.177 of 2007 pending on the file of Fast Track Court No.3, Madurai.

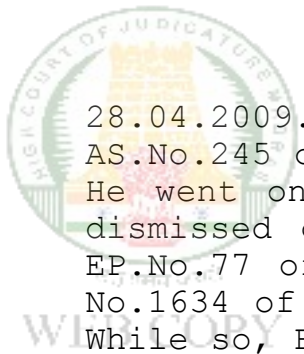
ORDER:-

This Civil Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.G.Shankar Ganesh, Advocate for the Petitioner and of Mr.K.Periyasamy, Advocate for the respondent, this Court made the following order:

This miscellaneous petition is filed by the revision petitioner seeking to modify the order dated 07.10.2020 passed by this court in CRP(MD)No.1634 of 2014, by deleting the statement in paragraph 3 that "the matter was settled between the parties".

2.According to the revision petitioner, he filed a suit in O.S.No.177 of 2007 against the respondent for recovery of money, which was decreed in his favour, by judgment and decree dated

<https://hccservices.hccourt.gov.in/hccservices>



28.04.2009. Challenging the same, the respondent filed an appeal in AS.No.245 of 2009, which was dismissed by this court, on 22.09.2010. He went on further appeal in SLP No.4540 of 2011, which was also dismissed on 06.05.2011. Thereafter, the revision petitioner filed EP.No.77 of 2009, during the pendency of which, he filed CRP(MD) No.1634 of 2014, for early disposal of the said execution petition. While so, EP.No.77 of 2009 was dismissed for default for non-payment of batta, on 30.09.2016. Subsequently, he filed another petition in EP.No.113 of 2019 seeking to execute the judgment and decree passed in the suit on 28.04.2009. Pending the said execution petition, the civil revision petition was taken up for consideration on 07.10.2020 and at that time, it was wrongly represented that the matter had been settled between the parties and recording the same, the revision petition was closed. It is the grievance of the revision petitioner that taking advantage of the said observation made in the order passed in the civil revision petition, the respondent served an application stating that he paid a sum of Rs.6,15,000/- on 05.04.2020 to the petitioner and seeking to raise the attachment and terminate EP.No.113 of 2019. Hence, he has come up with this miscellaneous petition seeking to modify the order dated 07.10.2020 passed in the civil revision petition.

3. Heard both sides and perused the materials placed before this court.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court is of the view that the issue involved herein is between the parties and hence, there is no requirement to modify the order dated 07.10.2020 passed in the aforesaid civil revision petition, except granting liberty to the parties to agitate their respective rights before the civil court concerned.

5. Accordingly, this miscellaneous petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

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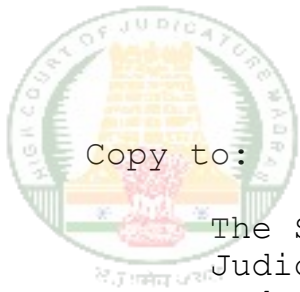
/ /2021

Sub Assistant Registrar(CS)

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TO

The Judge
Fast Track Court No.3, Madurai.



Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai

WEB COPY

+1CC to M/S.PT.S.NARENDRAVASAN, Advocate, SR-30221 dated 24/09/2021

ORDER DATED : 23/09/2021

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ORDER

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CMP(MD) . No.1110 of 2021

IN

CRP(MD) No.1634 of 2014

Giving direction and etc.
as stated within.

RK (27/10/2021) 3P 4C