



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.403 of 2021

and C.M.P. (MD)No.2171 of 2021

WEB COPY

R.Robert Arnold Gnanaraj	... Petitioner/Judgment Debtor /Defendant
	vs.
D.Rajendran	... Respondent/Decree Holder /Plaintiff

PRAYER: This Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order dated 04.02.2021 in E.P.No.19 of 2019 on the file of the Principal District Judge, Kanniyakumari District at Nagercoil in O.S.No.12 of 2018 on the file of the Additional District Court (FTC), at Mettur.

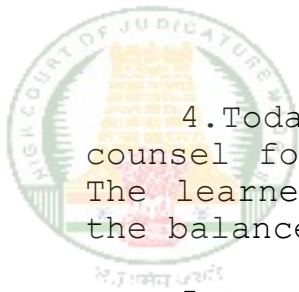
For Petitioner	: Mr.B.Prahalad Ravi
For Respondent	: Mr.K.Esakki

O R D E R

This Civil Revision Petition has been filed to set aside the order dated 04.02.2021 in E.P.No.19 of 2019 on the file of the Principal District Judge, Kanniyakumari District at Nagercoil in O.S.No.12 of 2018 on the file of the Additional District Court (Fast Track Court), at Mettur.

2.The respondent/decree holder filed O.S.No.12 of 2018 before the Principal District Judge, Kanniyakumari, for recovery of money to the tune of Rs.15,00,000/- against the petitioner herein and the same was decreed on 31.01.2019, against which, the petitioner preferred an appeal in A.S.No.648 of 2019 before the Principal Seat of this Court and this Court by order dated 01.11.2019 granted interim stay on condition to deposit 75 % of the decree amount on or before 19.12.2019. Due to financial crunch, the petitioner could not comply with the order. In this circumstance, the respondent/decree holder filed execution petition in E.P.No.19 of 2019 on the file of the Principal District Judge, Kanniyakumari, where E.P was allowed and ordered arrest by order dated 04.02.2021, against which, the present revision petition has been filed.

3.When the matter was taken up for hearing on 10.03.2021, the learned counsel for the petitioner has produced the Demand Draft for a sum of Rs.5,00,000/- (Rupees five lakhs only), dated 08.03.2021 drawn in favour of the respondent/decree holder and he undertook to pay the balance amount in three equal monthly instalments. On such undertaking, this Court has granted interim stay. The said D.D is kept in the safe custody of the Registry.



4.Today, when the matter is taken up for hearing, the learned counsel for the petitioner as well as the respondent are present. The learned counsel for the petitioner would seek time for paying the balance amount on instalments basis.

5.Considering the submission made by the learned counsel for the petitioner, the 2nd installment for a sum of Rs.4,00,000/- shall be paid on or before 01.04.2021; the 3rd installment of Rs.4,00,000/- shall be paid on or before 01.05.2021 and the 4th installment of Rs.4,00,000/- shall be paid on or before 01.06.2021 and the interim order will continue. If the petitioner fails to pay any one of the installment, the interim order will stand dismissed automatically.

6.Today (17.03.2021), the D.D. bearing number 080083 dated 08.03.2021 for a sum of Rs.5,00,000/- (Rupees five lakhs only) has been received by the respondent and he acknowledged the same by making endorsement in the case bundle.

7.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently,connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Principal District Judge,
Kanniyakumari District at Nagercoil

2.The Additional District Judge
(Fast Track Court), at Mettur.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-12236[F] dated 18/03/2021)

+1 CC to M/s.K.ESAKKI, Advocate (SR-12312[F] dated 18/03/2021)

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17.03.2021

MJ(CO)

KB(26.03.2021) 2P 5C

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