



WEB COPY

C.R.P.No.4229 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 23.12.2022**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**C.R.P.No.4229 of 2022**  
**and**  
**C.M.P.No.22156 of 2022**

R.Rajinikanth

... Petitioner

Vs.

K.Manokaran

... Respondent

**Prayer:** Civil Revision Petition filed under Article 115 of the Constitution of India to set aside the Fair and Decretal order passed in EP.No.4422 of 2021 in OS.No.1832 of 2017 by the XXVIII Assistant City Civil Court, Chennai and dated 28.10.2022.

For Petitioner

: Mr.S.Ramachandran

### **ORDER**

The Civil Revision Petition has been filed against the Fair and Decretal order passed in EP.No.4422 of 2021 in OS.No.1832 of 2017 by the XXVIII Assistant City Civil Court, Chennai dated 28.10.2022.



2. The money suit was instituted by the respondent against the revision petitioner and the suit was decreed in favour of the respondent. The decree holder filed E.P.No.4422 of 2021 for execution of the Decree. The said Execution Petition was ordered and the revision petitioner has not settled the decree amount. The Execution Court subsequently passed an order on 28.10.2022 to arrest the revision petitioner/judgment debtor. Challenging the said order, the present Civil Revision Petition is filed.

3. The learned counsel for the revision petitioner states that the Execution Court without hearing the arguments of the revision petitioner, passed the order of arrest.

4. It is not in dispute that the revision petitioner participated in the hearing in the E.P proceedings. That being the factum, the order of arrest now passed on account of the default committed by the judgment debtor cannot be interfered with by this Court in the present Civil Revision Petition. Thus, the revision petitioner has to settle the amount as per the decree passed in O.S.No.1832 of 2017.



5. The learned counsel for the revision petitioner made a submission that the revision petitioner will settle the entire decree amount within a period of one week from today.

6. It is for the revision petitioner to settle the said amount by following the procedures. However, this Court do not find any infirmity in respect of the order impugned in the present revision petition.

7. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**23.12.2022**

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Index : Yes  
Speaking order

To  
The XXVIII Assistant Judge,  
XXVIII Assistant City Civil Court,  
Chennai.



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C.R.P.No.4229 of 2



**S.M.SUBRAMANIAM, J.**

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