



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 1184 of 2019 and
CMP(MD).Nos.6542 and 8126 of 2019

Jegatheesan .. Petitioner / Appellant
Represented through his power holder
Tamilarasi

Vs.

1.The Deputy Registrar Co-operative (Housing),
Deputy Registrar's office,
Tirunelveli.

2.The Sales Officer,
Thovalai, Thovalai Co-operative
Housing Society Ltd., No.MDH HSG-9,
Thittuvilai, Boothapandi Post,
Kanyakumari District.

.. Respondents / Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 11.12.2018 in CMA.No.55 of 2010 on the file of the Principal District Judge, Kanyakumari at Nagercoil.

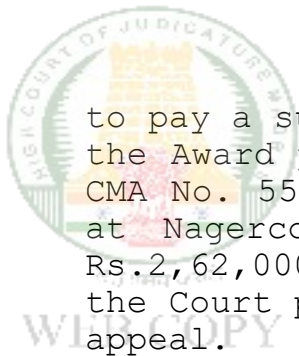
For Petitioner	: Mr.N.S. Ramakrishnadass
For respondents	: Mr. S.P. Karthick
	Government Advocate

ORDER

The revision petitioner / appellant has filed this revision to set aside the order, dated 11.12.2018 passed in CMA.No.55 of 2010 on the file of the Principal District Court, Kanyakumari at Nagercoil.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

3. The revision petitioner borrowed a sum of Rs.3,00,000/- loan in Loan No.375 from the respondent Society. Since he failed to pay the amount arbitration proceedings are initiated and the arbitrator passed an Awarded that the revision petitioner is liable



to pay a sum of Rs.4,78,301/- with 18% interest per annum. Against the Award passed by the arbitrator, the revision petitioner filed CMA No. 55 of 2010 before the Principal District Court, Kanyakumari at Nagercoil. Already, the revision petitioner paid a sum of Rs.2,62,000/- on many occasion and without considering the payment, the Court passed an order for Rs.4,78,301/-. This is a ground for appeal. The respondent has also filed a calculation memo and as per the calculation as on 31.07.2018, the revision petitioner is liable to pay a sum of Rs.9,02,318/-. After considering both sides arguments and also considering the amount paid by the revision petitioner the Appellate Court Awarded Rs.4,78,301/- and reduced interest from 18% to 6% and the interest has to be paid from 25.08.2004. After calculating the amount, the respondent has filed a calculation memo. According to the respondent, the revision petitioner is liable to pay Rs. 7,76,402/-. Subsequently, the revision petitioner paid Rs.3,59,731/-, so the balance of Rs.7,76,402/- is to be paid by the revision petitioner. Without paying the amount, the revision petitioner filed the present revision on the ground that amount of Rs.2,60,000/- already paid by him and not taken into account. But already considering the amount paid by the revision petitioner in the CMA the learned Principal District Judge, Kanyakumari confirmed the order of arbitrator as Rs.4,78,301/- with 6% interest. So, I do not find any merit in the Revision Petition.

4. Hence, this Civil Revision Petition is dismissed by confirming the order dated 11.12.2018 made in CMA.No.55 of 2010 on the file of the Principal District Judge, Kanyakumari at Nagercoil. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Trp

To

The Principal District Judge, Kanyakumari at Nagercoil.

+1 CC to M/s.SPL GP (SR-8071[F] dated 23/02/2022)

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-8455[F] dated 24/02/2022)

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_RD(07.03.2022) 2P 4C

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