



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.1534 of 2014

S.Suthakaran ... Petitioner/Petitioner/Respondent/D-4

Vs.

M/s.Satramdas Maheskumar
Firm represented by its Partner
Mahesh kumar ...Respondent/Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition under Section 227 of Constitution of India, to set aside the order in E.A.No.62 of 2014 in E.P.No.162 of 2013 in O.S.No.584 of 2002 on the file of the I Additional District Judge, Trichy, dated 20.06.2014 by allowing this revision.

For Petitioner :Mr.S.Manoharan
For Respondents :Mr.M.Saravanan

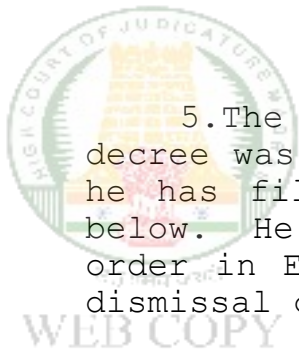
ORDER

This Civil Revision Petition has been filed to set aside the order, dated 20.06.2014 in E.A.No.62 of 2014 in E.P.No.162 of 2013 in O.S.No.584 of 2002 passed by the learned I Additional District Judge, Trichy.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The revision petitioner/Judgment debtor has filed this Civil Revision Petition against the order passed on 20.06.2014 by the learned I Additional District Judge, Trichy, in E.A.No.62 of 2014 in E.P.No.162 of 2013 in O.S.No.584 of 2002.

4. The execution petition in E.P.No.162 of 2013 in O.S.No.584 of 2002 has been filed by the plaintiff to execute the decree in O.S.No.584 of 2002. In the E.P.No.162 of 2013, the first Judgment debtor was arrested and produced before the E.P. Court and he paid a sum of Rs.25,000/-[Rupees Twenty Five Thousand Only] and executed a Muchalika before the Court below agreed to pay the substantial amount. The E.P. Court has directed the Judgment debtor to deposit the said agreed sum, but he has failed to comply with. After that only, the E.P. Court has ordered to arrest the Judgment Debtor..



5.The revision petitioner said exparte in suit and exparte decree was passed on 15.10.2003. To set aside the exparte decree, he has filed a petition and the same was dismissed by the Court below. He has filed a petition only to set aside the exparte decree order in E.P. and the same was also dismissed. Against the said dismissal order, this Civil Revision Petition has been filed.

6.Already, decree in suit was attained finality. So, the revision petitioner/Judgment debtor has to pay the suit amount. Totally it comes around Rs.25 lakhs. The decree was passed in the year 2003.

7.So, the revision petitioner/Judgment debtor has to pay the amount. since the decree was passed against the company and this revision petitioner is one of the partner. The decree will bind the revision petitioner. Hence, the Court below has rightly dismissed the E.A.No.62 of 2014 in E.P.No.162 of 2013 in O.S.No.584 of 2002. This Court has no reason to interfere with the order passed by the Court below.

8.Accordingly, this Civil Revision Petition stands dismissed by confirming the order passed on 20.06.2014 passed by the learned I Additional District Judge, Trichy, in E.A.No.62 of 2014 in E.P.No.162 of 2013 in O.S.No.584 of 2002. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The I Additional District Court,Trichy.

COPY TO:

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-11097[F] dated 10/03/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-11064[F] dated 10/03/2022)

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RD(07.04.2022) 2P 6C