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C.R.P.No.67 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.67 of 2023

and

C.M.P.No.514 of 2023

R.Murugeswaran

... Petitioner

Vs.

1.M/s.Shriram Chits Tamil Nadu Private Limited,
Rep. by its Authorised Signatory,
M.Sivaraja, Law Officer,
West Madha Church Street,
Royapuram, Chennai – 600 013.

2.Mohamed Zafzullah

3.Syed Sadio Pasha

4.A.S.Bashuruddin

... Respondents

Prayer: Civil Revision Petition filed under article 227 of the Constitution of India, to set aside the E.P.No.1049 of 2019 in C.N.R.No.TNCH01-008142-2019 in A.R.C.No.724 of 2016 dated 19.04.2022 on the file of the XXV Assistant Judge, City Civil Court, Chennai.

For Petitioner

: Mr.K.Mohanamurali

For R1

: Mr.P.Gopinath



ORDER

The Civil Revision Petition has been filed against the order passed in E.P.No.1049 of 2019 in C.N.R.No.TNCH01-008142-2019 in A.R.C.No.724 of 2016 dated 19.04.2022 on the file of the XXV Assistant Judge, City Civil Court, Chennai.

2. The revision petitioner is the Judgement Debtor and a member of the 1st respondent / Chit Fund Company. The revision petitioner had availed the benefit of chit from the 1st respondent / Chit Fund Company and has not repaid the installments punctually. The borrower committed default and the 1st respondent instituted Arbitral Proceedings in A.R.C.No.724 of 2016 dated 19.04.2022 on the file of the XXV Assistant City Civil Court, Chennai, which was allowed by the authorities. Execution Proceedings were initiated in E.P.No.1049 of 2019 and the Execution Court passed an order of attachment against the revision petitioner / Judgement Debtor and therefore, the revision petitioner has chosen to file the present Civil Revision Petition.

3. The learned counsel for the revision petitioner mainly contended that he is ready and willing to settle the amount and some time is required



for mobilising the funds for discharging the debt.

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4. The revision petitioner has filed an affidavit of undertaking before this Court on 20.01.2023 as under:-

“ 1. I am the petitioner herein and as such I am well acquainted with the facts set out hereunder.

2. I state that the Civil Revision Petition is filed against the order passed in E.P.No.1049 of 2019, in C.N.R.No.TNSCH01-008142-2019 in ARC.No.724 of 2016 dated 19.04.2022 on the file of the XXV Assistant Judge, City Civil Court, Chennai. For more appreciation of the facts of the case I crave leave of this Hon'ble Court to refer the grounds of C.R.P. as part and parcel of this affidavit.

3. I undertake to discharge the entire claim in the Execution Petition Rs.4,37,745.00 under the following terms of undertaking:

(i) Rs.2,00,000/- within the period of 6 weeks from the date of the order in C.R.P.No.67 of 2023.

(ii) Rs.20,000/- per month from March 2023 to January 2024 and Rs.17,745 February 2024 on or before 10th of every succeeding English calendar month.”



5. The learned counsel for the 1st respondent / Chit Fund Company also agreed to receive the payment as per the undertaking given by the revision petitioner and close the account on full payment.

6. The revision petitioner cannot commit any further default and he is directed to settle the amount as per his own undertaking filed before this Court. In the event of any failure, the 1st respondent is at liberty to file Contempt Proceedings before this Court in the present Civil Revision Petition.

7. On receipt of the payment as per the undertaking given by the revision petitioner, the 1st respondent is directed to close the account.

8. In view of the above arrangement between the parties, the order of attachment passed by the Execution Court in E.P.No.1049 of 2019 dated 19.04.2022 is kept in abeyance, till such time the revision petitioner shall comply with the undertaking given before this Court in the present Civil Revision Petition in C.R.P.No.67 of 2023 and after completion of payment, the parties are at liberty to close the Execution Proceedings before the Court concerned.



9. Accordingly, the Civil Revision Petition in C.R.P.No.67 of 2023 stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.01.2023

skr/jeni
Index : Yes
Speaking order
Neutral Citation : Yes

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



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S.M.SUBRAMANIAM, J.

skr/jeni

C.R.P.No.67 of 2023

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