



C.R.P. No.2628 of 2019 &
C.M.P. No.17382 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.2628 of 2019 & C.M.P. No.17382 of 2019

1.JBR Construction A partnership firm
Rep by its Managing Partner
Baskaran, S/o.Jayaraman
155, Bazaar Street, Namagiripet
Namakkal

2.J.Baskaran

... Petitioners

Vs.

Sri Ramajayam A registered partnership firm
Rep. by its Partner Saravanan
Son of Inbaraj
CSI Complex
Shevapet, Salem

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 CPC, to set aside the fair and final order dated 26.09.2018 made in REP. No.131 of 2017 in STC No.1007 of 2015 on the file of Additional District Judge cum Motor Accident Claims Tribunal, Namakkal, Namakkal District.

For Petitioner : Mr.Velmurugan

For Respondents : Mr.A.M.Esakkiappan



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ORDER

This revision is preferred challenging an order of arrest of the judgment debtor passed under Order XXI Rule 37 CPC. The revision petitioner has suffered a decree for money and the decretal liability is around Rs.15.00 lakhs. He submitted that he has already paid Rs.7.75 lakhs and for the balance amount, he undertakes to pay the same in installments. In this regard, he has filed an affidavit and the same is recorded.

2. In view of this undertaking, the civil revision petition is allowed and the order of arrest passed against the revision petitioner/judgment debtor is vacated. However, in case of default in complying with the undertaking herein given by the revision petitioner/judgment debtor, the decree holder/respondent is at liberty to take recourse to such remedies as are available to him in the procedure. No costs. Consequently, the connected civil miscellaneous petition is closed.

30.03.2023

Asr

To
The Additional District Judge cum
Motor Accident Claims Tribunal, Namakkal, Namakkal District.



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N.SESHASAYEE, J.,

Asr

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