



CRP.Nos.1011, 1013, 1014 & 1016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.Nos.1011, 1013, 1014 & 1016 of 2023

and

C.M.P.Nos.7363, 7359, 7365 & 7369 of 2023

1.Richa Chowdry ... Petitioner in CRP.Nos.1011 & 1014
of 2023

2.A.K.Jewellers

3.Anil Kumar bansal

Proprietor of A.K.Jewellers,
2nd Block, Flat 9E,
Arihant Vaikunt Apartment,
123-125 Bricklin Road,
Purasaiwakkam,.
Chennai – 600 007.

... Petitioners in CRP.Nos.1013 &
1016 of 2023

Vs.

Intec Capital Ltd,
Rep by authorised signatory,
Mr.R.Balasundar
Registered office at
No.701, Manjusha, 57, Nehru Place,
New Delhi – 19.
Branch Office at:
No.560-562, 31, 3rd Floor,
Century Plaza, Anna Salai,
Teynampet, Chennai – 18.

... Respondent in all CRPs



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COMMON PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the impugned Docket order dated 28.09.2022 passed in E.A.Nos.4, 2, 3 and 1 of 2021 in E.P.No.1795 of 2019 respectively on the file of the IX Assistant Judge, City Civil Court at Chennai.

For Petitioners : Mr.K.Mukund Rao
(in all CRPS)

For Respondents : Mr.M.Arunachalam
(in all CRPS)

COMMON ORDER

The learned counsel for the petitioners/Judgment Debtors would submit that before the Trial Court the respondent/decreed holder had filed the petition under Order XXI Rule 10 CPC and they were set exparte by an order dated 06.01.2020 in EP.No.1795 of 2019. Aggrieved against the same, the petitioners have filed EA.Nos.1 to 4 of 2021 to condone the delay of 408days in filing the petition and to set aside the order dated 06.01.2020 made in EP.No.1795 of 2019.

2. The learned counsel for the petitioners/judgment debtors would submit that based on the Award passed in Arb.No.76 of 2018 the respondents/decreed holder had filed execution petition, wherein the



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petitioners were set exparte and thereafter EA.No.1 to 4 of 2021 was filed by the petitioners. The trial Court passed the impugned order dated 28.09.2022, directing the petitioners/judgment debtors 1 and 2 to pay the 1/5th of the EP claim amount and the third judgment debtor to pay 1/10th of the EP claim amount to the respondent/decreed holder on or before 13.10.2022 and posted the matter on 14.10.2022 for reporting compliance. On 14.10.2022, the Court finds that the conditional order dated 28.09.2022 has not been complied with and dismissed the petitions. Hence, the petitioners are before this Court to set aside the conditional order dated 28.09.2022 made in EA.Nos.1 to 4 of 2021.

3. At this juncture, on instructions the learned counsel for the petitioners/judgment debtors would submit that each of the petitioners are ready to deposit a sum of Rs.50,000/- each to the credit of the execution petition.

4. The learned counsel for the respondent/decreed holder would submit that the petitioners/judgment debtors were set exparte in the execution petition and in order to delay and to protract the proceedings, the EA has



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been filed to condone the delay and to set aside the exparte order passed in the execution proceedings. The learned counsel would further submit the Trial Court had passed a conditional order directing the judgment debtors to deposit portion of the claim amount. The petitioners have failed to comply with the conditions imposed by the trial Court and thereby the trial Court had rightly dismissed the petition. Hence, there is no merit in the revision petition filed by the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the above facts and circumstances, the petitioners/judgment debtors have expressed their willingness to deposit a sum of Rs.50,000/- each to the credit of the execution petition.

7. In the light of the undertaking given by the petitioners/judgment debtors to deposit a sum of Rs.50,000/- each to the credit of execution petition. This Court directs the petitioners/judgment debtors to deposit a sum of Rs.50,000/- each to the credit of execution petition before the trial Court within a period of four weeks from the date of receipt of a copy of



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this order. On such deposit being made by the petitioners/judgment debtors, the respondent/decree holder is permitted to withdraw the same on filing due and proper petition before the trial Court.

8. With the above modifications, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.04.2023

Index :Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Intec Capital Ltd,
Rep by authorised signatory,
Mr.R.Balasundar
Registered office at
No.701, Manjusha, 57, Nehru Place,
New Delhi – 19.
Branch Office at:
No.560-562, 31, 3rd Floor,
Century Plaza, Anna Salai,
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- 2.The IX Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

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