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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2023

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THE HON'BLE MRS JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.2919 of 2023
and C.M.P.No.18057 of 2023

C.Karuppusamy

...Petitioner

Vs.

B.Ranganayaki

...Respondent

PRAYER:-Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 22.06.2023 passed in E.P.No.14 of 2023 in O.S.No.156 of 2019 on the file of the Principal District Judge at Tiruppur.

For Petitioner : K.Myilsamy

For Respondent : C.Prakasam

ORDER

This Civil Revision Petition has been filed to to set aside the docket order dated 22.06.2023 passed in E.P.No.14 of 2023 in O.S.No.156 of 2019



on the file of the Principal District Judge at Tiruppur.

2. When the matter was taken up for hearing, the learned counsel appearing for petitioner filed an “affidavit of undertaking”, dated 29.09.2023, undertaking that the petitioner shall pay the amount due to the respondent in twelve (12) monthly installments. The said “affidavit of undertaking” is placed in Court bundle and the same is reproduced hereunder :-

AFFIDAVIT OF C.KARRUPUSAMY

“I, Karuppusamy son of Chinnasamy a Hindu Man Aged about 39 years is residing at Mannankattu Thottam, Rasipaylayam, Keeranur Village, Kangeyam Taluk, Tiruppur, presently come down to Chennai and do hereby solemnly affirmed and sincerely state as follows,

1. I respectfully state that I am the petitioner herein and as such I am well acquainted with the facts and circumstances of the case.

2. That the respondent filed a suit for recovery of money



against petitioner in O.S.No.156 of 2019 on the file of Principal District Judge at Tiruppur and obtained an exparte decree on 17.02.2022. Consequently, the respondent filed E.P.No.14 of 2023 on the file of the Principal District Judge at Tiruppur against the petitioner for civil arrest and the same was ordered on 22.06.2023. Challenging the same, the present revision is preferred.

3. The claim of respondent in the EP comes to the tune of Rs.11,81,135/- (Rupees Eleven Lakhs Eighty One Thousand One Hundred and Thirty Five Only). The petitioner had already deposited a sum of Rs.50,000/- (Fifty Thousand Only) before the Execution Court at Tiruppur, for which the petitioner has no objection in withdrawing the same by the respondent. The balance amount comes to the tune of Rs.11,81,135/- (Rupees Eleven Lakhs Eighty One Thousand One Hundred and Thirty Five Only).

4. Without prejudice to his contention and rights, the petitioner is hereby undertaken to pay the said sum of rupees in 12 monthly instalments to the respondent commencing from October 2023 to October 2023. The



monthly instalments comes to a sum of Rs.94,262/- (Rupees Ninety Four Thousand Two Hundred and Sixty Two Only). The petitioner is agreed to pay the said monthly instalment on or before 10th day of each month without any default.

In these circumstances it is humbly prayed that this Honourable Court may be pleased to record this undertaking affidavit and allow the CRP No.2929 of 2023 non the file of Madras High Court and thus render justice.”

3. Recording the said submission made by the learned counsel appearing for the petitioner, this Civil Revision Petition is disposed of. The said “affidavit of undertaking” shall form an integral part of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.09.2023

Index : Yes/No
Speaknig : Yes/No
NCC : Yes/No
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V.BHAVANI SUBBAROYAN.J.,

gba

To:

The Principal District Judge,
Tiruppur.

C.R.P.No.2919 of 2023
and C.M.P.No.18057 of 2023



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29.09.2023