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C.R.P.(NPD)No.2938 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD)No.2938 of 2017

and

C.M.P.Nos.896 of 2016 and 13883 of 2017

Vijayakumar Petitioner

Vs

Mohalinga Mudaliyar Respondent

Prayer :- Civil Revision Petition is filed under 115 of Civil Procedure Code to set aside the Docket order dated 28.7.2017 in E.P.No.65 of 2014 in O.S.No.35 of 2011 on the file of the learned Sub-Judge, Gingee and thereby allow the revision.

For Petitioner : Mr.N.Suresh
For Respondent : Mr.B.Jawahar

ORDER

This Civil Revision Petition has been filed the Docket order dated 28.7.2017 in E.P.No.65 of 2014 in O.S.No.35 of 2011 on the file of the learned Sub-Judge, Gingee, thereby order arrest against the petitioner herein.



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2. The petitioner is the judgment debtor in the suit filed by the respondent for recovery of money. On the strength of the judgment and decree, the respondent had filed execution petition in E.P.No.65 of 2014 in order to realise the decree amount. Before the Execution Court though the petitioner was given several occasions in order to comply the decree, he failed to comply the same. Therefore, the Execution Court ordered for arrest against the petitioner, in fact, even before this Court, the petitioner was given opportunity to settle the amount. By order dated 14.11.2022 it was recorded that considering the earlier payment made by the petitioner to the tune of Rs.1,13,650/- and directed the petitioner to make the balance amount of Rs.3,25,000/- by two installments. Accordingly, the petitioner shall have to pay the sum of Rs.1,00,000/- on or before 28.11.2022 and remaining amount of Rs.2,25,000/- to be paid on or before 14.12.2022. However, the petitioner failed to comply the second condition. Further, this Court observed in the earlier order that if the petitioner fails to comply the above conditions, the property belonged to the petitioner's son shall be attached through Execution Court.



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3. Today, the learned counsel for the petitioner would submit that the petitioner would not be able to comply the conditions imposed by this Court.

4. In view of the above, this Civil Revision Petition is dismissed and the Docket order dated 28.7.2017 in E.P.No.65 of 2014 in O.S.No.35 of 2011 on the file of the learned Sub-Judge, Gingee is confirmed. The respondent is at liberty to take appropriate steps to realise the amount in the manner known to law. Consequently, connected miscellaneous petitions are closed. No costs.

24.01.2023

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
ssn

To

The Sub-Judge,
Gingee.



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G.K.ILANTHIRAIYAN, J.,

ssn

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