



CRP No. 4089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.11.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.4089 of 2023

M/s.Shriram City Union Finance Ltd.,
represented by its Power Agent
Mr.B.Senthilnathan

... Petitioner

Versus

1.P.G.Sampathraj
2.S.Kavitha

... Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the order dated 02.06.2023 passed in E.P.No.62 of 2021 on the file of the I Additional District and Sessions Court, Tiruppur.

For Petitioner : Mr.A.Swaminathan

ORDER

The petitioner has filed this petition to set aside the order dated 02.06.2023 passed in E.P.No.62 of 2021 on the file of the I Additional District and Sessions Court, Tiruppur.

2. Before the Executing Court, the Judgment Debtor has filed a memo

on 24.09.2023, stating that the matter is settled for a sum of Rs.10,96,160/-



CRP No. 4089 of 2023

before the Lok Adalat, but no settlement was arrived at as per the decree holder. Based on the said memo, E.P. was closed as settled and thereafter, the decree holder prayed to reopen the said execution proceedings, and before Executing Court, a fresh E.P. is to be filed for no mistake committed on his side.

3. The learned counsel for the petitioner submitted that the matter was referred to Lok Adalat, but not settled and thereafter, the matter was referred to regular Court. The Judgement Debtor filed a memo before the Lok Adalat, and based on the said memo it was recored as settled.

4. On a perusal of the memo filed at Pg.16 of the typed set of papers, it clearly shows that the Decree Holder has not signed in the said memo and no notice was issued to the Decree Holder. The Judgment debtor himself filed a memo, and based on that, the executing Court, without applying its mind, closed the EP as such and it is totally erroneous and liable to be set aside.

5. Hence, the learned trial Judge is directed to re-open and post the EP proceedings for enquiry within a period of two weeks from the date of receipt of a copy of this order and the trial Court is also directed to dispose of the



CRP No. 4089 of 2023

case within a period of two months from the date of receipt of a copy of this order.

6. In view of the above, this Civil Revision petition is disposed of.

There shall be no order as to costs.

27.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

rrr

To

1. The I Additional District and Sessions Judge, Tiruppur.
2. The Section Officer,
VR-Section, High Court of Madras.



WEB COPY



CRP No. 4089 of 2023

T.V.THAMILSELVI, J.

rri

Civil Revision Petition No.4089 of 2023

27.11.2023