



C.R.P.No. 4425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 4425 of 2023

and

C.M.P.No.26728 of 2023

D.Ravi

.. Petitioner

Vs

SJayachandran

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 06.10.2023 made in E.P.No.208 of 2017 in O.S.No.26 of 2011 and dismiss the E.P.No.208 of 2017 on the file of the Court of the Additional Subordinate Judge of Tindivanam.

For Petitioner : Mr. T. Dhanasekaran

ORDER

This Civil Revision Petition is filed challenging the docket order passed by the executing Court in E.P.No.208 of 2017 in O.S.No.26 of 2011, the judgment debtor has preferred this revision.



C.R.P.No. 4425 of 2023

2. The learned counsel for the petitioner / judgment debtor submits that before the executing Court, he regularly made payment, instead of that the Court ordered for arrest.

3. Considering the E.Court status, it shows that he paid the regular intervals i.e., the part of the decree amount. Therefore, the reason assigned by the petitioner is justifiable. Accordingly, the docket order passed by the executing Court is ordered to be stayed. The petitioner / judgment debtor is regularly paying the amount so also the Section 5 application is also pending before the Court. Therefore, if opportunity is not given to the petitioner / judgment debtor, he will put to much hardship. Therefore, the order passed by the trial Judge is set aside, directing the petitioner / judgment debotor to pay Rs.5,000/- before the executing Court within two weeks from the date of receipt of copy of this order and advice to follow the Court proceeding regularly.



C.R.P.No. 4425 of 2023

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4. In the result, the Civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

07.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The Additional Subordinate Judge, Tindivanam.



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C.R.P.No. 4425 of 2023

T.V.THAMILSELVI, J.

AT

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