



C.R.P(MD)No.1120 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1120 of 2023

and

C.M.P(MD)No.5393 of 2023

1.M.Subbulakshmi

2.B.Muthusamy

... Petitioners/Petitioners/
Judgment Debtors

Vs.

The Branch Manager,
M/s.Dhanalakshmi Seenivasan Chit funds(P),
First Floor, Door No.51,
Spencer Compound,
Dindigul Town.

... Respondent/Respondent/
Decree Holder

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records in E.A.No.6 of 2023 in E.P.No.116 of 2016 order, dated 07.02.2023, on the file of the learned Additional District Judge, Dindigul and set aside the same and modify the order.

For Petitioners : Mr.Karunraj

For Respondent : Mr.V.Angusamy



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ORDER

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The petitioner has challenged the impugned fair and decreetal order in E.A.No.6 of 2023 in E.P.No.116 of 2016 order, dated 07.02.2023, whereby, the petitioner has been directed to pay a sum of Rs.8,00,0000/- within a period of 30 days from the date of the order.

2. The petitioners are the award debtors in A.O.P.No.5 of 2015. The award was passed on 22.07.2015. E.P.No.116 of 2016 was filed to to realize a sum of Rs.33,27,898/-. In the said proceedings, the petitioners have filed E.A.No.6 of 2023 undertaking to pay sum of Rs.2,00,000/- to prove the bonafide.

3. The learned counsel for the petitioner submits that the petitioners are engaged in business and have few other ancestral property which will be sold to liquidate the liability. There is no merit in the contention of the petitioner.

4. Considering the fact that the petitioner's residential house is in-stake in the execution proceedings, to recover the award amount together with the interest thereon, the petitioners are directed to deposit a sum of



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Rs.8,00,000/- within a period of 30 days from the date of the order shall stand extended till 31.05.2023. The Court shall thereafter dispose the E.P.No.116 of 2016 on merits and in accordance with law.

5. The present Civil Revision Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Additional District Judge, Dindigul.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

SN

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