



CRP.No.934 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.No.934 of 2024

and

CMP.No.4689 of 2024

Balaji

...

Petitioner

/vs/

M/s.Shriram Chit Tamil Nadu Pvt.Ltd.,
Rep by its law officer Mr.Sivaraja,
No.3, Apparsamy Koil Street,
thiruvottriyur, Chennai- 600 019.

...

Respondent

PRAYER : This civil revision petition has been filed under Section 115 CPC against the order passed in E.A.No.6 of 2023 in E.P.No.1333 of 2018 in A.R.C.No.871 of 2013 by the IX Asst. City Civil Court, Chennai, dated 07.02.2024.

For Petitioner ... Mr.K.Balaji

For Respondent ... Mr.S.Prabhu

ORDER

This civil revision petition has been filed against the order dated 07.02.2024 passed in E.A.No.6 of 2023 in E.P.No.1333 of 2018 in A.R.C.No.871 of 2013 by the IX Asst. City Civil Court, Chennai.



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2.The learned counsel appearing for the petitioner submitted that the revision petitioner is the judgment debtor 2 and the respondent is decree holder in E.P.No.1333 of 2018 in A.R.C.No.871 of 2013 on the file of the IX Assistant City Civil Court, Chennai. In the E.P. proceedings, the petitioner/judgment debtor was set exparte for non cross examination of PW1. Therefore, he filed E.A.Nos.6, 7 & 8 of 2023 to reopen, recall and set aside the exparte order passed in EP.No.1333 of 2018 in ARC No.871 of 2013, which was allowed on payment of Rs.50,000/- to the respondent/decree holder as part payment on or before 26.02.2024, failing which, all the petitions stand automatically dismissed and posted for reporting compliance on 27.02.2024. Now, it is under challenge. The petitioner further contended that he is ready to deposit the amount but not ready to pay the amount to the decree holder.

3.The learned counsel appearing for the respondent submitted that the award passed in ARC No.871 of 2013 is not challenged by the petitioner which is still in force. Under these circumstances, the petitioner is liable to pay the award amount of Rs.3,30,935/-, for that claim, EP has



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been filed and the decree holder is entitled to Rs.50,000/-, which cannot be questioned now.

4.I have considered the matter in the light of the submissions made by the learned counsel on either side and perused the materials available on record.

5.Admittedly, the revision petitioner is the judgment debtor 2 and the respondent is decree holder in E.P.No.1333 of 2018 in A.R.C.No.871 of 2013 on the file of the IX Assistant City Civil Court, Chennai. The petitioner had not challenged the award passed in ARC No.871 of 2013 and for collection of that award amount, EP has been filed and in that EP petition, he remained set exparte. Therefore, he filed an applications to set aside the exparte, reopen and recall, that petitions were allowed on payment of Rs.50,000/- to the respondent/decrece holder as part payment on or before 26.02.2024. Since the award passed in ARC No.871 of 2013 is not challenged, it is still in force. Therefore, the respondent/decrece holder is entitled to execute the E.P. The learned Judge allowed the E.A. Petitions



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filed by the petitioner on payment of Rs.50,000/- to the decree holder by the petitioner as part payment. In that order passed by the learned judge, I find no infirmity or illegality and there is no ground to interfere with the same.

6.The learned counsel appearing for the petitioner seeks two weeks time to comply with the order and he is ready to pay Rs.50,000/- as directed by the Executing Court to the decree holder. Considering the submission of the learned counsel for the petitioner, two weeks time is granted for payment of Rs.50,000/- as directed by the Executing Court from the date of receipt of the copy of the order, if it is not paid within two weeks, the respondent is at liberty to proceed further.

7.In view of the above direction, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

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The IX Asst. City Civil Court,
Chennai,



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V.SIVAGNANAM ,J.

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