



C.R.P.[NPD].No.3275 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 05.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.3275 of 2023

&

CMP.No.20193 of 2022

Thangavel, Correspondent,
Annai Matriculation School,
Bharathi Nagar, Thaluthalai Village and Post,
Arumbavur [via], Veppanthattai Taluk,
Perambalur District.

. . . Petitioner

Versus

Periasamy

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the Docket Order dated 04.07.2023 passed in E.P.No.56 of 2022 in O.S.No.56 of 2018 on the file of the Principal District Judge, Perambalur.

For petitioner : Mr.S.Pushpakaran

For respondent : Mr.S.M.Vivekanandh



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ORDER

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Challenging the docket Order dated 05.04.2024 granting time to the respondent for making payment, the present Civil Revision Petition has been filed.

2. When the matter is taken up today, it is stated by the learned counsel appearing for the petitioner that pursuant to the direction of this Court dated 07.09.2023, a sum of Rs.1,79,000/- has been deposited to the credit of the Execution Proceedings in E.P.No.56 of 2022 in O.S.No.56 of 2018 on the file of the Principal District Judge, Perambalur. Now it is the stand of the learned counsel appearing for the petitioner that he has already filed an appeal against the decree and judgment in O.S.No.56 of 2018 and the same is pending in CMP.No.20658 of 2023 in numbered Second Appeal in AS SR No.107553 of 2023.

3. The submission of the learned counsel appearing for the petitioner itself makes it clear that the appeal is not even numbered. Now the present Civil Revision has been filed only against the Order directing the revision petitioner to



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pay the amount. In the event of failure of payment, arrest will be followed. Be that it may.

4. As per the interim Order of this Court dated 07.09.2023, a sum of Rs.1,79,000/- has been deposited by the petitioner. The respondent is entitled to receive that amount by filing an appropriate application before the Execution Court. On such application being filed, the Execution Court shall release the amount to the respondent. The petitioner is given liberty to prosecute his appeal within a period of three months. In the event, the petitioner is not in a position to get any stay from the appellate Court, the Execution Court shall proceed with the execution proceeding automatically.

5. With the above observation, this Civil Revision Petition is Closed. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order
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N. SATHISH KUMAR, J.

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