



CRP..No.3551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3551 of 2024 and C.M.P.No.19201 of 2024

1.S.Syed Khader

2.Hayatunnissa

.. Petitioners

Vs.

M/s.Sree Gokulam Chits and Finance

Co (P) Ltd. Rep by its Authorised Signatory

M.Jelani Basha, Assistant Manager (Legal)

No.49, Arcot Road, Kodambakkam

Chennai – 600 024

.. Respondent

Prayer:- Civil Revision Petition filed under Section 115 of CPC to set aside the order passed by the X Assistant City Civil Court, Chennai dated 08.08.2024 in E.P.No.2608 of 2019.

For Petitioners : Mr.Y.Kaja Navas

For Respondent : Ms.D.Brindha
for Ms.J.Esther Beula

ORDER

This petition has been filed as against the docket order passed by the learned X Assistant Judge, City Civil Court, Chennai dated 08.08.2024 in E.P.No.2608 of 2019 imposing condition of further payment of not less than Rs.1,00,000/- as further payment on 06.09.2024.



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2. The learned counsel for the petitioners submitted that the petitioners are the judgment debtors pursuant to the ex parte arbitral award obtained by the respondent/decree holder, who is a chit company. The arbitral decretal amount was for a sum of Rs.2,23,608/- and the respondent has filed the E.P.No.2608 of 2019 seeking for a sum of Rs.5,81,957/- with interest. The learned counsel would submit that the petitioners have paid a sum of Rs.1,55,000/- so far and they have been continuing to pay a sum of Rs.10,000/- per month regularly, whereas, the Executing Court by the impugned order dated 08.08.2024 referring to the directions of the Hon'ble Apex Court in E.P. matters has directed the petitioners to pay the further payment of not less than Rs.1,00,000/- as further payment on 06.09.2024.

3. He further submitted that though in the case of *Rahul S.Shah vs Jinendra Kumar Gandhi and others* reported in (2021) 6 SCC 418, the Hon'ble Apex Court has held that the entire Execution Petition proceedings should be completed within a period of 6 months from the date of filing, the time may be extended by recording reasons in writing for such delay. He would submit that it is not the intent of the petitioners to evade payment and the petitioners undertakes that the balance amount will be paid in monthly instalments @ Rs.20,000/- per month.



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4. The learned counsel for the respondent chit company submitted that settlement talks are also going on between the parties and dehors the same, the respondent is ready to accept the undertaking that the petitioners will pay a sum of Rs.20,000/- per month.

5. Recording the submissions of the learned counsel, the order passed by the learned X Assistant Judge, City Civil Court, Chennai dated 08.08.2024 in E.P.No.2608 of 2019 directing payment of not less than Rs.1,00,000/- as further payment on 06.09.2024 is hereby set aside.

6. Accordingly, the C.R.P.No.3551 of 2024 is allowed on condition that the petitioners continue to pay Rs.20,000/- to the credit of E.P.No.2608 of 2019 without fail. In the meanwhile, the parties are at liberty to mediate and settle the matter. Consequently, connected miscellaneous petition is closed. No costs.

03.09.2024

dhk

Internet : Yes/No

Index : Yes/No

A.D.JAGADISH CHANDIRA, J.,



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To,

X Assistant Judge,
City Civil Court, Chennai

C.R.P.No. 3551 of 2024

03.09.2024