



WEB COPY



CRP No.3170 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 06.02.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**CRP No.3170 of 2023**

M.Chermaraj

... Petitioner

Vs.

G.Lalith

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 25.02.2022 made in E.A.No.57/2020 in E.P.No.89/2017 in O.S.No.317/2015 by the Additional District Munsif, Vellore.

For Petitioner

: Mr.S.Kasirajan

**ORDER**

This Civil Revision Petition has been filed to set aside the order dated 25.02.2022 made in E.A.No.57/2020 in E.P.No.89/2017 in O.S.No.317/2015 by the learned Additional District Munsif, Vellore.

1 of 5



CRP No.3170 of 2023

2. The brief facts leading to the filing of Civil Revision petition is as follows:

The petitioner herein is the defendant in O.S.No.317/2015 and the above said was filed by the respondent herein/plaintiff to recover a sum of Rs.83,300/- together with interest at 25% p.a. on Rs.50,000/- from the date of plaint till the date of full and final payment. The above said suit was decreed in favour of the respondent, vide judgment dated 09.03.2017. To execute the decree, the respondent/plaintiff has filed E.P.89/2017, in which the petitioner herein was set exparte on 23.07.2019, for his non appearance. Further, on petition filed by the respondent under Order 21 Rule 22, 37 and 38 of CPC, arrest was also ordered against the petitioner on 7.09.2019. Subsequently, the petitioner has filed E.A.No. 57/2019 praying to condone the delay of 105 days in filing the petition to set aside the exparte order passed against him. The above petition was allowed on 20.12.2021, on condition to pay a sum of Rs.1,000/- to the respondent on or before 6.1.2022 by the petitioner. Since the petitioner has not complied with the above order, the above E.A.No.57/2020 was dismissed on 25.02.2022.



CRP No.3170 of 2023

Challenging the above order, the instant civil revision petition has been filed.

3. Heard the learned counsel for the petitioner and I have perused the materials on record.

4. It is an admitted fact that the suit in O.S.No.317/2015, which was filed against the petitioner/defendant for recovery of money, was decreed in favour of the respondent/plaintiff and to execute the decree, he has filed E.P.No.89/2017. In the execution proceedings, the petitioner was set exparte and to set aside the same, the petitioner has filed application in.E.A.No.57/2020 with a delay of 105 days. The above petition was allowed on payment of costs of Rs.1000/- by the petitioner to the respondent, on or before 06.01.2022. Subsequently, it was dismissed, for non payment of cost.



CRP No.3170 of 2023

5. Now, the present civil application has been filed to set aside the order passed on 25.02.2022 in E.A.No.57/2020 in E.P.No.89/2017. But in the affidavit, the petitioner has not stated any valid reason for non payment of costs of Rs.1,000/- as ordered by the execution court dated 20.12.2021. Therefore, since the petitioner has not complied with the conditional order, the execution court has rightly dismissed the application in E.A.No.57/2019 and I do not find any infirmity in the order passed by the execution court to interfere the same. As such, the civil revision petition is liable to be dismissed, as it has no merits.

6. In fine, the civil revision petition is dismissed. No costs.

**06.02.2024**

Index: Yes/No  
Internet: Yes/No  
mst

**To**

The Additional District Munsif, Vellore.



WEB COPY



CRP No.3170 of 2023

**V.SIVAGNANAM, J.,**

mst

**CRP No.3170 of 2023**

**06.02.2024**

5 of 5