



C.R.P.No.4201 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.4201 of 2024
and C.M.P.No.23290 of 2024

1. Hayathunnissha

2. S.Syed Khader

... Petitioners

Vs

M/s.Sree Gokulam Chit and Finance Co (P) Ltd.,
Rep. by its Authorized Agent and Legal Assistant,
M.Jeelani Basha,
No.49, Arcot Road, Kodambakkam,
Chennai – 600 024.

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to set aside the docket order passed by the X Assistant City Civil Court, Chennai dated 06.09.2024 in E.P.No.2746 of 2012 in ARC.No.909 of 2010.

For Petitioners : Mr.Y.Kaja Navas

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



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ORDER

This Civil Revision Petition has been filed as against the docket order passed by the learned X Assistant Judge, City Civil Court, Chennai dated 06.09.2024 in E.P.No.2746 of 2012 in ARC.No.909 of 2010 imposing condition of further payment not less than Rs.1,00,000/- by 04.10.2024.

2. Learned counsel for the petitioners submitted that the petitioners are the judgment debtors pursuant to the ex parte arbitral Award obtained by the respondent/decreed holder, who is a chit company. The arbitral decretal amount was for a sum of Rs.5,58,180/- and the respondent has filed the E.P.No.2746 of 2012 in ARC.No.909 of 2010 seeking for a sum of Rs.7,66,887/- with interest. He further submitted that the petitioners have so far paid a sum of Rs.2,78,000/- and they have been continuing to pay a sum of Rs.10,000/- per month regularly, whereas, the Executing Court by an impugned order dated 06.09.2024 referring to the directions of the Hon'ble Apex Court in E.P. matters has directed the petitioners to pay the further payment not less than Rs.1,00,000/- by 04.10.2024.



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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 also submitted that the petitioners, who are senior citizens, solely depend on their only daughter, who is married and living with her husband and it is not the intent of the petitioners to evade payment and they undertake that the balance amount will be paid in monthly installments @ Rs.20,000/- per month.

4. 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 duly pay a sum of Rs.20,000/- per month.

5. Recording the submissions of the learned counsel on both sides, the order passed by the learned X Assistant Judge, City Civil Court, Chennai dated



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06.09.2024 in E.P.No.2746 of 2012 in ARC.No.909 of 2010 directing further

payment not less than Rs.1,00,000/- by 04.10.2024 is hereby set aside.

6. Accordingly, the Civil Revision Petition stands allowed on condition that the petitioners continue to pay Rs.20,000/- to the credit of E.P.No.2746 of 2012 in ARC.No.909 of 2010 without fail. In the meanwhile, the parties are at liberty to mediate and settle the matter. Consequently, connected miscellaneous petition is closed. No costs.

19.10.2024

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Index : Yes / No

Neutral Citation : Yes / No

To

The X Assistant City Civil Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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19.10.2024