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CRP No.3599 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

THE HONOURABLE Mr. JUSTICE P.B.BALAJI

CRP No.3599 of 2022
and CMP No.19102 of 2022

1.P.Jothi

2.P.Ravi

3.P.Anand Babu

... Petitioners

Vs

M/s Sri Vijayaram Finance Attur
a Registered Partnership Firm
having Office at
No.14, Thayumanvar Street,
Attur, Represented by Partner
S.Arunachalam,

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 24.11.2016 passed by II Additional District Judge, Salem in E.A.No.54 of 2016 in EP No.22 of 2011 in O.S.No.15 of 2008.

For Petitioners : Mr.B.Kumarasamy

For Respondent : Mr.P.Jagadeesan



CRP No.3599 of 2022

ORDER

WEB COPY

This Civil Revision Petition arises against the fair and decreetal order dated 24.11.2016 passed by II Additional District Judge, Salem in E.A.No.54 of 2016 in EP No.22 of 2011 in O.S.No.15 of 2008.

2. The judgment debtors/defendants in O.S.No.15 of 2008 are the revision petitioners herein. Their application in E.A.No.54 of 2016, filed under Order 21 Rule 26 of Civil Procedure Code, seeking stay of further proceedings in E.P.No.22 of 2011 has been allowed on condition that the revision petitioners/defendants/judgment debtors deposits the entire decreetal amount before the trial Court. Aggrieved by the said onerous condition, the revision petitioners/defendants/judgment debtors have come up by way of revision.

3. Mr.B.Kumarasamy, learned counsel for the revision petitioners submits that by way of additional typed set of papers, the petitioners have been able to establish that substantial amount has been made to the respondent/plaintiff/decreet holder. That apart, a sum of Rs.10,00,000/-(Rupees ten lakhs only) has also been deposited to the credit of the suit in O.S.No.15 of 2008, pursuant to the interim order passed by this Court in CMP No.19102 of



CRP No.3599 of 2022

2022 dated 09.11.2022 and therefore, the revision petitioners pray for the revision being allowed by modifying the condition imposed by the execution Court.

4. Per contra, Mr.P.Jagadeesan, learned counsel for the respondent/plaintiff/decreed holder submits that as on date, approximately, a sum of Rs.60,00,000/-(Rupees Sixty Lakhs only) is due from the revision petitioners/defendants/judgment debtors and even a sum of Rs.10,00,000/- paid by the revision petitioners is in the Court deposit and the respondent/plaintiff/decreed holder is not able to see any colour of the coin despite passage of several years, especially after the preliminary decree passed in the year 2009.

5. I have considered the submissions made on both sides and have gone through the records.

6. In view of the fact that the revision petitioners/defendants/judgment debtors admit the liability of Rs.22,00,000/-(Rupees Twenty two lakhs only),



CRP No.3599 of 2022

interest of justice would be served if the revision petitioners/defendants/

judgment debtors are directed to pay a sum of Rs.25,00,000/-(Rupees Twenty five lakhs only) to the respondent/plaintiff/decreed holder within a period of eight weeks from the date of receipt of a copy of this order. On such condition, being complied with, the proceedings shall be stayed till the disposal of the setting aside application, inclusive of condonation of application, if any, in O.S.No.15 of 2008.

7. In such event of compliance, the trial court shall dispose of the applications expeditiously, in any event, not later than 30 days from the date of the stay becoming operational pursuant to the compliance of the conditional order being passed in this Civil Revision Petition and in the event of the setting aside applications being favourably considered, then the suit itself can be disposed of thereafter within a period of three months.

8. Subject to the outcome of the suit, the parties are entitled to the sum of Rs.10,00,000/-(Rupees ten lakhs only) already deposited.

9. With the above direction, the civil revision petition is disposed of.



WEB COPY



CRP No.3599 of 2022

21.11.2024

Index: Yes/No
Speaking order/Non-speaking order
sr

To

The II Additional District Court,
Salem.



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CRP No.3599 of 2022

P.B.BALAJI,J.,

SI

CRP No.3599 of 2022

21.11.2024