



C.R.P.(MD)Nos.437 & 438 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.437 & 438 of 2023
and C.M.P.(MD).No.2100 of 2023

Sivakumar

... Petitioner/Petitioner/Petitioner/
1st Defendant in both petitions

Saravanan

Vs.
... Respondent/1st Respondent/Plaintiff
in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Section 115 of the Civil Procedure Code, to set aside the order, dated 25.11.2022 made in E.A.Nos.1 & 2 of 2022 in E.P.No.14 of 2017 in O.S.No.205 of 2012 on the file of the District Munsif Court (FAC), Periyakulam.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.S.Anand Chandrasekar
for M/s.Sarvabhauman Associates
(In both petitions)

COMMON ORDER

This revision petition is filed to set aside the order, dated 25.11.2022 made in E.A.Nos.1 & 2 of 2022 in E.P.No.14 of 2017 in

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O.S.No.205 of 2012 on the file of the District Munsif Court (FAC),
Periyakulam.

2.The facts in brief:

Suit in O.S.No.205 of 2012 was filed by the plaintiff for the recovery of Rs.40,000/- with 12% interest from the date of complaint till the date of decree and thereafter 6% interest till the date of realization. Suit was decreed as prayed for with costs. To execute the decree E.P.No. 14 of 2017 was filed by the decree holder to arrest the revision petitioner. The Execution Court after affording opportunity to both sides ordered the arrest of the revision petitioner, by the order dated 07.11.2019. To set aside the same, the revision petitioner filed E.A.No.2 of 2012. That was resisted by the decree holder stating that the revision petitioner filed appeal with a delay of 5 years before the appellate Court suppressing the above said filing of I.A.No.1 of 2022 before the appellate Court, the present petition was filed. The Execution Court after hearing both sides, by the order dated 25.11.2022, allowed the petition with a condition to the revision petitioner to pay a sum of Rs.3,000/- as costs.



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3. Similarly, he also filed E.A.No.1 of 2022 under Order 21 Rule 106 CPC. That petition was also heard along with this present petition and by the separate order that was also allowed with condition of payment of cost of Rs.3,000/-. Due to the non compliance of the conditional order, later E.A.Nos.1 and 2 of 2022 were dismissed on 05.12.2022 and arrest was ordered. He was arrested on 05.01.2023.

4. On payment of Rs.20,000/-, Muchalika was obtained for payment of balance amount, he was released and posted for further payment. At this juncture, these two revision petitions are preferred.

5. Absolutely, the Court is not in position to understand the grievance of the petitioner. He was granted liberty by the Execution Court not only to pay the cost, but also directed to deposit half of the decree amount and how he is aggrieved is not stated by him. However, considering the fact that the revision petitioner is ready to pay the balance amount, let the half of the decree amount be paid by the revision petitioner either directly to the respondent or to the credit of this number before the Execution Court. On compliance of the condition, the above



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said order of arrest shall stand recalled and the Execution Court is at liberty to impose condition upon the revision petitioner regarding the payment of balance amount.

6.With the above said liberty and directions, these civil revision petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The District Munsif (FAC), Periyakulam.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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