



C.R.P.(MD)No.1928 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1928 of 2024
and
C.M.P.(MD)No.10974 of 2024

Sundar Raj

... Petitioner / Petitioner

Vs.

Rajan Babu

... Respondent / Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in I.A.No.1 of 2023 on 31.01.2024 in A.S.No. 40 of 2023 on the file of the learned Additional District and Session Judge (Fast Track Court), Nagercoil.

For Petitioner : Mr.A.Robinson

For Respondent : no appearance

ORDER

Heard the learned counsel for the revision petitioner. The respondent has been served but he has not chosen to enter appearance.



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2. The petitioner was the defendant in O.S.No.125 of 2019 on the file of the Principal Sub Court, Nagercoil. The respondent herein filed the said suit seeking recovery of certain sum of money. The suit was decreed on 07.12.2022. Questioning the same, the revision petitioner filed A.S.No.40 of 2023 before the Additional District and Session Judge (FTC), Nagercoil. The court below granted interim stay on condition that the petitioner should deposit 50% of the decretal amount. Since the petitioner could not comply with the said condition, I.A.No.1 of 2023 came to be dismissed on 31.01.2024. Challenging the same, this civil revision petition came to be filed.

3. When the matter was taken up for hearing, I imposed condition that the petitioner should deposit 25% of the decretal amount. The learned counsel for the petitioner states that this condition has been complied with. The petitioner is said to have been availed loan from ITAC without permission. He is said to be heavily indebted.

4. Taking into account the special facts and circumstances, particularly, the fact that 25 % of the decretal amount has been deposited before the court below, the impugned order is set aside. The decree suffered by the petitioner in



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O.S.No.125 of 2019 on the file of the Principle Sub Court, Nagercoil will stand stayed till the disposal of A.S.No.40 of 2023 on the file of the Additional District & Sessions Judge, Nagercoil.

4. The Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2024

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

The Additional District and Session Judge
(Fast Track Court),
Nagercoil.



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G.R.SWAMINATHAN, J.

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