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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.1847 of 2024
and
C.M.P.(MD).No. 10458 of 2024

K.Oorkavalaperumal

...Petitioner

Vs.

P.Sundar

... Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the auction sale notice, dated 18.07.2024 in E.P. No.149 of 2019 in O.S.No.279 of 2017 on the file of the Sub Court, Thoothukudi.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.KA.Ramakrishnan

ORDER

This Civil Revision Petition is filed by the defendant in the suit to set aside the auction sale notice, dated 18.07.2024 in E.P. No.149 of 2019 in O.S.No.279 of 2017 on the file of the Sub Court, Thoothukudi.



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2. The defendant is the appellant herein and the respondent is the plaintiff herein. For sake of convenience, the parties are referred as plaintiff and defendant as per the ranking in the suit.

3. The suit in O.S.No.279 of 2017 was filed by the plaintiff for recovery of money. The defendant had borrowed Rs.3,00,000/- from the plaintiff. During the pendency of the suit, the defendant has paid Rs.2,00,000/- on 27.11.2018 and now he has also paid the balance amount of Rs.1,00,000/-. Therefore, the defendant has paid the entire principal amount.

4. As per the interest amount is concerned, considering the facts of this case, this Court is fixing Rs.1,00,000/-, as interest amount. Therefore, the defendant is directed to pay Rs.1,00,000/- as interest amount, to the plaintiff, on or before **29.11.2024**. In case, if there is any default in payment of Rs.1,00,000/-, liberty is granted to the plaintiff to approach this Court.



5. With these observations, this Civil Revision Petition is closed.

No Costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

Note : Issue a coy of order on 29.11.2024

To

1.The Sub Court,
Thoothukudi.

2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.



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S.SRIMATHY, J.

KSA

Order made in
C.R.P(MD)No.1847 of 2024

28.10.2024