



C.R.P.(NPD) (MD).No.2750 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.2750 of 2018

and

C.M.P(MD) No.12020 of 2018

1. Tirunelveli Diocesan Trust Association,
Represented by its Manager,
5, Punithavathiyar Street,
Palayamkottai,
Tirunelveli District.

2. The Correspondent,
Schaffter Higher Secondary School,
S.N.High Road,
Tirunelveli.

3. The Head Master,
Schaffter Higher Secondary School,
S.N.High Road,
Tirunelveli.

4. T.Soundararajan Durai,

5. Lawarence

6. Jesudas

... Petitioners/Petitioners
Appellants

-vs-

1. D.Sathiasingh



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2. S.Jebarani

3. The Union of India,
Represented by its Secretary to Government,
Department of Human Resources and Youth Affairs,
New Delhi.

4. The Bishop,
Tirunelveli Diocese (CSI)
Bishop's Stove, High Ground Road,
Tirunelveli.

5. The District Collector,
Tirunelveli District,
Tirunelveli.

6. United India Insurance Company Limited,
Through its Branch Manager,
Tuticorin.

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decreetal order dated 15.02.2018 made in I.A.No.17 of 2016 in unnumbered A.S in G.L.No.923, dated 18.01.2016 on the file of the learned Principal District Judge, Tirunelveli.

For Petitioners : Mr.S.Chellapandian

For Respondents : Mr.David Ganesan
for J.Ashok – for R1 and R2

: Mr.C.Satheesh
Government Advocate – for R5
: Mr.I.Sudhakaran – for R6



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ORDER

The instant Civil Revision Petition has been filed by the appellants in unnumbered A.S in G.L.No.923 of 2016, on the file of the learned Principal District Judge, Tirunelveli.

2. The revision petitioners herein have filed I.A.No.17 of 2016 to condone the delay of 1936 days in preferring a first appeal as against the judgment and decree, dated 30.10.2010, in O.S.No.390 of 1998 on the file of the Principal Sub Court, Tirunelveli. The appellate Court has proceeded to dismiss the Interlocutory Application and as consequence, appeal was rejected. Challenging the same, the present Civil Revision Petition has been filed.

3. A perusal of the judgment and decree in O.S.No.390 of 1998 reveals that the decree has been passed jointly and severally as against the defendants 1 to 10 to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the plaintiffs along with interest at the rate of 12% per annum from the date of plaint till the date of decree and 6% per annum from the date of decree till the



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date of realization. Therefore, it is clear that all 10 defendants were held jointly and severally liable to satisfy the decree amount.

4. Out of 10 defendants, only the defendants 3 to 8 have preferred the first appeal. Pending the Civil Revision Petition, the third defendant in the suit has already deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of E.P.No.246 of 2013. A Demand Draft has been drawn in the name of the plaintiffs by the fourth defendant for a further sum of Rs.5,00,000/- (Rupees Five Lakhs only) and the same is today, i.e., on 29.07.2024, handed over to the learned counsel appearing for the decree holder. Therefore, the defendants 2 to 8 have already paid a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) out of Rs.14,00,000/- (Rupees Fourteen Lakhs only) of the decree amount. In such circumstances, this Court is of the considered opinion that the execution proceedings as against the defendants 2 to 8 could be closed, so that, the balance amount along with interest could be recovered from the other defendants, namely, D1, D9 and D10.

5. In view of the above said deliberations, the execution proceedings in E.P.No.246 of 2013 stands dismissed as against the respondents 2 to 8



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therein. The decree holder is entitled to proceed as against the respondents 1, 9 and 10 for recovering the balance amount. In view of the above said orders, no further adjudication is called for in this Civil Revision Petition.

6. Accordingly, this Civil Revision Petition stands closed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

29.07.2024

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

1. The learned Principal District Judge,
Tirunelveli.

2. The District Collector,
Tirunelveli.



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R.VIJAYAKUMAR,J.

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