



C.R.P(NPD)(MD)No.2024 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(NPD)(MD)No.2024 of 2022

Ramesh

Rep. by his Power of Attorney

S.Jansirani

... Revision Petitioner/Petitioner/Defendant
vs.

Sukumaran

... Respondent/Respondent/Plaintiff

Prayer:- Civil Revision Petitions filed under Section 115 of C.P.C., against the Fair and Decreetal order dated 29.06.2022 made in I.A.No.3 of 2020 in O.S.No.146 of 2018 on the file of the Additional District and Sessions Judge, Kuzhithurai.

For Petitioner : Mr.P.Santhoshkumar

For Respondent : Mr.N.Dhilipkumar

ORDER

The Civil Revision Petition itself was entertained by an



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order dated 03.11.2022 on a specific submissions and undertakings given before this Court. The said order of this Court is extracted hereunder:

"This Civil Revision Petition is filed as against the fair and decreetal order passed by the learned Additional District and Sessions Judge in I.A.No.3 of 2020 in O.S.No.146 of 2018, dated 29.06.2022.

2.The petitioner is the defendant in O.S.No.146 of 2018, wherein, a compromise decree was passed on 10.09.2019. As per the compromise decree, the petitioner is supposed to pay a sum of Rs.55,00,000/- to the plaintiff within a period of three months from the date of judgment. There is a specific clause in the compromise memo that if the petitioner fails to pay the amount within three months, the amount of Rs.55,00,000/- will fetch an interest at the rate of 36% per annum from the date of judgment. Based on the above compromise, the decree was passed on 10.09.2019. Since the petitioner could not pay the amount as agreed, he filed the application in I.A.No.3 of 2020 in the month of June 2022 that he was employed at Dubai and he lost his job during Covid-19 pandemic period and hence he was not in a position to mobilise the fund. The trial Court has not accepted the reasons assigned and refused to grant extension of time for making payment and dismissed the application. Aggrieved over the same, the present



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Civil Revision Petition is filed.

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3.The learned counsel appearing for the petitioner submits that this difficulty arise in view of the Covid-19 pandemic situation and now he undertakes to pay the amount on or before 15.01.2023 and requests for extension of time. He further submits that as per the deed of compromise, on failure of payment within three months, he is also expected to pay interest at the rate of 36% for the amount of Rs.55,00,000/- and the interest amount itself is accrued around Rs.50,00,000/-. Therefore, it will be very difficult for him to mobilise such a huge amount of Rs.1 Crore immediately. He is also prepared to settle the entire amount on or before 15.01.2023 together with interest at the rate of 36% for the amount agreed by him.

4.In view of the submission made by the petitioner's counsel, notice is ordered to the respondent returnable in two weeks. Private notice is also permitted."

2.Today, when the matter came up for hearing, Mr.N.Dilipkumar, learned counsel appearing on behalf of the respondent submitted that no such payment was made eventhough undertaking was made before this Court. Therefore, when the civil revision petition, which is otherwise not maintainable, was entertained only on the undertaking given by the petitioner's side, and when the



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undertaking is not complied with or for the sole violation of the undertaking alone, the Civil Revision Petition stands dismissed. No costs.

11.07.2024

NCC : Yes / No
sjj

To

The Additional District and Sessions Judge, Kuzhithurai.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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