



CRP.(MD)No.2218 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

CRP.(MD)No.2218 of 2024

and

C.M.P.(MD)No.12561 of 2024

1.G.Meenakshi

2.R.Dinesh

3.M.Rajarajeswari

4.A.Jeyapandi

5.M.Kodeeswaran

... Revision Petitioners

Vs.

1.M/s.Shriram Chits India (P) Limited,
Anna Nagar Branch,
Represented by its Branch Foreman,
T.Ramachandran

2.The Director (I/c),
Department of Adult Continuing
Education Extension,
Madurai Kamaraj University,
Evening College Campus,
Alagarkovil Road, Madurai – 2.

3.The Joint Director,
Office of the Joint Director of Collegiate Education,
Madurai – 2.

... Respondents



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WEB PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the docket order dated 23.07.2024 made in E.P.No.289 of 2022 in C.D.No. 26 of 2020 passed by the Principal Sub-Judge, Madurai, insofar as the petitioners are concerned.

For Appellant : Mr.S.Lawrence Vimalraj
For R-1 : Mr.P.Ganapathi Subramanian
For R-2 to R-3 : Mr.V.Omprakash
Government Advocate

JUDGEMENT

The present civil revision petition is filed by the Judgment Debtor to set aside the docket order dated 23.07.2024 made in E.P.No.289 of 2022 in C.D.No. 26 of 2020 passed by the Principal Sub-Judge, Madurai, insofar as the petitioners are concerned.

2. The revision petitioners obtained loan from the first respondent chit cum loan transactions. The chit is for Rupees Five Lakhs. The revision petitioners took the chit for Rupees Three Lakhs and paid commission of Rs.25,000/- and received Rs.2,75,000/- in hand. According to the petitioners, they already paid entire



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principal amount. Therefore, they are entitled to pay the interest portion alone.

However, the Learned Counsel appearing for the respondents vehemently objected to the said contention of the revision petitioners and stated that as per the award, the revision petitioners are liable to pay Rs.2,71,700/- along with expenditure in the Original Petition as well as in EP proceedings which comes to Rs.2,92,440/-. If interest is calculated from 2019 to 04.06.2022, it would amount to Rs.1,63,020/-. Further according to the respondents also, the revision petitioners had made some payments before the arbitrator to the tune of Rs.59,000/- and during execution proceedings, the revision petitioners had paid Rs.85,000/- and after filing the execution petition also, the revision petitioners had paid Rs.65,000/- and the same ought to be deducted from the award amount. In the meanwhile, since interest has been not paid for the period 04.12.2020 to 04.06.2022, the revision petitioners are liable to pay interest until today.

3. This Court is of the considered opinion that substantive portion of the principal amount is already paid by the revision petitioners. Further the revision petitioners was paying when the proceedings was pending before arbitration and also kept paying before filing Execution Petition and after filing Execution Petition. Appreciating the bonafide and payment of principal amount, this Court is



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inclined to give waiver of interest to the revision petitioners. Even according to the revision petitioners, they are liable to pay Rs.50,000/-. Therefore, the revision petitioners are directed to pay Rs.1,00,000/- (Rupees One Lakh only) as full and final settlement. However, the same shall be paid as four installments. The first installment shall be paid on or before 15.12.2024, second installment on or before 15.01.2025, third installment on or before 15.02.2025 and fourth installment on or before 15.03.2025. In case of any default, the first respondent is entitled to take action appropriately in accordance with law.

4. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

Note: Issue Order Copy on 05.12.2024.



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- 3.The Director (I/c),
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- 4.The Joint Director,
Office of the Joint Director of Collegiate Education,
Madurai – 2.
- 5.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Nsr

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