



C.R.P.(MD)No.2496 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2496 of 2024
and C.M.P.(MD).No.14337 of 2024

Subramani ... Petitioner/Petitioner/Petitioner/Defendant

Vs.

A.Velusamy ... Respondent/Respondent/Respondent/Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the order, dated 03.07.2024 made in C.M.A.No.7 of 2020, on the file of the learned Additional District Court/Fast Track Court, Palani, Dindigul District, confirming the order in I.A.No.985 of 2018 in O.S.No.69 of 2010 on the file of the learned Sub Court, Palani, Dindigul District, dated 30.01.2020, with regard to the direction of conditional deposit of 50% of the suit amount and modify the conditional deposit as 20% for allowing the exparte decree set aside petition and partly allow the revision petition.

For Petitioner : Mr.K.Elangovan

For Respondent : No Appearance



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ORDER

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This revision petition has been filed to set aside the order, dated 03.07.2024 made in C.M.A.No.7 of 2020, on the file of the learned Additional District Court/Fast Track Court, Palani, Dindigul District, confirming the order in I.A.No.985 of 2018 in O.S.No.69 of 2010 on the file of the learned Sub Court, Palani, Dindigul District, dated 30.01.2020, with regard to the direction of conditional deposit of 50% of the suit amount and modify the conditional deposit as 20% for allowing the exparte decree set aside petition

2.Only on the ground of onerous condition imposed upon the revision petitioner, this revision has been preferred. The learned counsel for the revision petitioner would submit that while allowing the petition filed by the revision petitioner to set aside the exparte decree, the trial court directed the revision petitioner to deposit the half of the decree amount. Against which, he filed the appeal before the appellate Court, but the same was dismissed confirming the order of the trial Court. Hence, this revision. Now, it is the only grievance. Now he is ready to deposit 20% of the decree amount.



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3.Considering the facts and circumstances of the case, this Court is inclined to modify the above said condition. Accordingly, the condition imposed upon the revision petitioner is modified to the effect that the revision petitioner shall deposit 20% of the decree amount within a period of fifteen days from the date of receipt of a copy of this order.

4.With the above said modification, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Additional District Judge, Fast Track Court, Palani, Dindigul District.

2.The Subordinate Judge, Palani.

3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVA,J.

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