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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No. 1067 of 2024

and

C.M.P(MD)No.5936 of 2024

G.Veeramani

...Petitioner

Vs.

K.Balaji S/o. Kannan,
Senior Manger,
Dhanalakshmi Srinivasan Chit Funds (P) Limited.

... Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 07.08.2023 mad in EA No.1 of 2023 in E.P No.204 of 2021 on the file of the Additional Sub Court, Thanjavur in so far as the direction given to the Petitioner to deposit Rs.50,000/- on or before 31.08.2023 by allowing the Civil Revision Petition.

For Petitioner : Mr.R.Gokulakrishnan

For Respondent : Mr.V.Angusamy



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ORDER

This Civil Revision Petition is filed by the 3rd Judgment Debtor against the Fair and Decreetal order, dated 07.08.2023 made in E.A.No.1 of 2023 in E.P. No.204 of 2021 on the file of the Additional Sub Court, Thanjavur.

2. The plaintiff/ decree holder is a Chit Fund Company, has filed Arbitration O.P.No.71 of 2019. The said OP was allowed directing the defendants to pay Rs.2,55,000/- with interest and costs. Thereafter, the plaintiff/ decree holder had filed E.P.No.204 of 2021 to execute the award amount of Rs. 3,63,035/-. The defendant / judgement debtor had remained exparte. Thereafter he had filed E.A.No.1 of 2023 in E.P. No.204 of 2021 to set aside the exparte order and the said petition was filed within time and there is no delay.

3. The contention of the defendant/ judgment debtor is that they could not appear before the Court due to COVID-2019 restrictions. Accepting the reasons stated by the petitioner, this Court is inclined to allow this Civil Revision Petition.



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4. Accordingly, this Civil Revision Petition is allowed and the E.A.No.1 of 2023 in E.P. No.204 of 2021 on the file of the Additional Sub Court, Thanjavur is allowed. The E.P. No.204 of 2021 is restored on file of the Arbitration Court. The EP Court is directed to complete the EP proceedings after giving opportunity to the defendant / judgment debtor, within a period of 6 months, from the date of receipt of a copy of the order. No Costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

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

To

1. The Additional Sub Court, Thanjavur.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.R.P(MD)No.1067 of 2024

24.10.2024