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Review Application No.131 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Review Application No.131 of 2025

V.Devarajan

... Petitioner

Vs.

M/s.MARG Properties Pvt. Ltd.,
Represented by its Managing Director,
Having registered Office at,
“Marg Axis”, 4/138, Rajiv Gandhi Road,
(Old Mahabalipuram Road),
Kottivakkam, Chennai – 600 410

Now having its registered office at,
Sri Sai Subhodaya Apartments,
No.57/2B, East Coast Road,
Thiruvanmiyur, Chennai – 600 041

... Respondent

PRAYER : Review Application is filed under Section 114 of Civil Procedure Code and Order 47 Rule 1 & 2 of CPC, to review the order of this Court dated 10.01.2025 in C.R.P.No.110 of 2025 and C.M.P.No.852 of 2025 and consequently, dismiss the Civil Revision Petition (NPD) No.110 of 2025 and C.M.P.No.852 of 2025.

For Petitioner : Mr.Parthiban Patmanabane

For Respondent : No Appearance



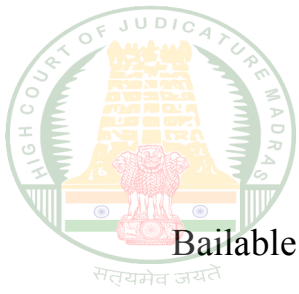
Review Application No.131 of 2025

ORDER

WEB COPY The Petition has been filed seeking review of the order of this Court dated 10.01.2025 in C.R.P.No.110 of 2025 and C.M.P.No.852 of 2025, on the ground that there are specific material facts which were not considered and further, under Order XXI Rule 30 CPC, the Court has power to order detention of the judgment debtor for execution of a money decree.

2. The Civil Revision Petition had been filed challenging the issuance of a Non Bailable Warrant against the respondent herein by the State Consumer Dispute Redressal Commission, Chennai, in E.A.No.8 of 2021 in C.C.No.263 of 2015. While passing the order, this Court, taking into consideration the submission of the revision petitioner that a Demand Draft for a sum of Rs.35,86,000/- had already been deposited and that instead of initiation of proceedings under Section 72 of the Consumer Protection Act, an NBW was issued, has held that issuance of NBW does not arise and accordingly set aside the same.

3. It is brought to the notice of this court by the learned counsel appearing for the review petitioner that despite service of several notices, none had appeared on behalf of the respondent and therefore, the Non



Bailable Warrant came to be issued. As rightly pointed out by the learned counsel for the petitioner, any order of the Commission is executable and enforceable as a decree of the court, as per Section 71 of the Consumer Protection Act. Besides execution, separate provisions are also provided in the Act to make such defaults punishable offences.

4. Section 72 of the Consumer Protection Act deals with the penalty for non-compliance of an order. As far as execution of any award or money decree is concerned, the provisions of Order XXI CPC shall be followed by the Commission. Order XXI Rule 30 CPC, which deals with the decree for payment of money, states that every decree for the payment of money, including a decree for the payment of money as the alternative to some other relief, may be executed by the detention in the civil prison of the judgment debtor or by the attachment and sale of his property or by both.

5. Similarly, Section 32 CPC makes it clear that the court may issue a warrant of arrest against any person who disobeys the summons. Such power to compel the appearance of the persons is inherent to the court itself. When a person, despite service of summons, does not appear before the Court, the Court may accept the issuance of warrant of arrest only if



Review Application No.131 of 2025

such a course has to be adopted.

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6. In such view of the matter, this Court is of the opinion that the order passed by this Court in C.R.P.No.110 of 2025 dated 10.01.2025 necessarily deserves to be recalled.

7. Accordingly, the Review Application is allowed and the order passed by this Court on 10.01.2025 in C.R.P.No.110 of 2025 and C.M.P.No.852 of 2025 is recalled and the Civil Revision Petition stands dismissed.

19.08.2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The State Consumer Dispute Redressal Commission,
Chennai.



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Review Application No.131 of 2025

N. SATHISH KUMAR, J.

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Review Application No.131 of 2025

19.08.2025