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CRP NPD.No.1377 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.1377 of 2024 & CMP.No.7382 of 2024

S.Dharmaraj

. . . Petitioner

Versus

1. The Chief Manager,
Bank of India, South Veedhi,
Thirumanur, Ariyalur District.

2. The General Manager,
Nabard, AFD, Chennai Zonal Office,
P.Box.No.674, Door No.48,
Mahatma Gandhi Road, Nungambakkam,
Chennai – 600 034.

3. The Assistant Director,
O/o.Assistant Director of Animal Husbandry,
Ariyalur – 621 704, Ariyalur District.

[Respondents R2 & R3 impleaded Vide Court Order
dated 07.01.2025 made in CMP.No.21799 of 2024
in CRP.No.1377 of 2024 by NSKJ]

. . . Respondents



CRP NPD.No.1377 of 2024

PRAYER : Petition filed under section 227 of Constitution of India to call for the records in E.A.No.4 of 2024 in E.P.No.60 of 2019 dated 19.03.2024 in PLC No.100/2018 on the file of the Principal Sub-Judge, Ariyalur and set aside the same by giving four months time to discharge the remaining amount of Rs.2,65,000/- to secure ends of justice.

For petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.Nirmal Roy Sanjeevi – R1

Mr.K.S.Karthik Raja – R2

ORDER

Challenge has been made to the dismissal of the application filed by the revision petitioner to postpone the auction proceedings initiated in the Execution Proceedings, in the present Civil Revision Petition.

2. The Execution Petition has been filed by the first respondent on the basis of the award passed by the lok adalat for a sum of Rs.3,75,000/-. When the property of the revision petitioner has been brought for sale, an application



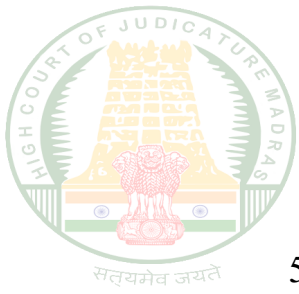
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has been taken out by the revision petitioner to postpone the sale for three months on the ground that while availing loan, NABARD has promised to grant subsidy. However, the subsidy has not been granted, which resulted in loss to the petitioner and NABARD has to pay subsidy. The Execution Court considering entire submissions dismissed the application. Challenging the same, the present revision petition has been filed.

3. The learned counsel appearing for the petitioner would submit that had subsidy properly released by the NABARD, he would have cleared the entire loan and the loan amount was due only due to non release of subsidy. Therefore, challenges the Order of the Execution Court.

4. Whereas, the learned counsel appearing for the respondents would contend that similar grounds have already been raised by the petitioner in CRP.No.621 of 2020 and this Court by a Order dated 02.09.2022 has dismissed the revision petition. Therefore, submitted that the present revision is also not maintainable.



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5. I have perused entire materials. The Execution Petition has been filed based on the lok adalat award passed in the lok adalat. In the lok Adalat, the revision petitioner had agreed to pay a sum of Rs.3,75,000/- in full quit though the amount payable was Rs.8,25,192/- at the relevant point of time. Only on the basis of the settlement arrived between the parties, the award has been passed for a sum of Rs.3,75,000/-. The revision petitioner participated in the lok adalat enquiry and agreed to pay a sum of Rs.3,75,000/- and based on the said settlement, the award has been passed. Therefore, once, a party had consciously agreed to certain settlement, which culminated into an award and when the said award was put in Execution, a different stand cannot be taken by him. His contention that as promised, the second respondent has not paid subsidy and therefore, he became debtor cannot be countenanced and such a contention cannot be raised at this stage.

6. It is to be noted that similar grounds had already been raised by the revision petitioner in CRP.No.621 of 2020 and this Court by a detailed Order had rejected the contentions of the revision petitioner and dismissed the



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revision petition. Therefore, this Court is of the view that once again, raising similar grounds, is to some how or other protract the Execution Proceedings is nothing but clear abuse of process of law. Once, an award has been passed and the same has reached finality, the Execution Court cannot go beyond the decree or award. In such view of the matter, I do not find any merits in this Revision.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. If at all the petitioner is aggrieved as against NABARD, it is for him to take separate proceedings as per law.

16.06.2025

Index : Yes / No
Internet: Yes
Speaking/non speaking order
vrc

To,

The Principal Sub Judge,
Mannarkudi.

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N. SATHISH KUMAR, J.

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