



CRP.No.2033 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.07.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP.No.2033 of 2025 and
CMP.No.11822 of 2025

Nagarajan

... Petitioner / Plaintiff

Vs.

1.Annadurai
2.Saraswathi
3.Rgavendran

... Respondents / Defendants

Prayer: Civil Revision Petition is filed under Section 115 of CPC, against the Fair and Decreetal order dated 23.01.2025 made in I.A.No.1051 of 2023 in O.S.No.68 of 2010 passed by the Principal Subordinate Court, Kallakurichi.

For Petitioner : Ms.Swathi.R

For Respondents : Mr.A.R.Suresh

ORDER



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This Civil Revision Petition has been filed challenging the Fair and Decreetal order dated 23.01.2025 made in I.A.No.1051 of 2023 in O.S.No.68 of 2010 passed by the Principal Subordinate Court, Kallakurichi, allowing the respondents to deposit a sum of Rs.2,30,000/- before the Court.

2. The big background of the case is as follows:

The parties have settled the dispute in Lok Adalat conducted on 14.12.2019. The suit has been originally filed for specific performance by the revision petitioner. However, in the Lok Adalat, the parties have settled the entire issues for a sum of Rs.3,30,000/-. The respondents have paid a sum of Rs.1,00,000/- towards the said settlement on the date of the award of Lok Adalat and it is agreed to pay the remaining sum of Rs.2,30,000/- within a period of two months.

2.1. The said award has been passed on 14.12.2019. Thereafter, it appeared that an application had been filed by the respondents herein before the Trial Court in I.A.No.250 of 2020 for issuance of lodgment on the ground that the petitioner had declined to receive the amount. However, having entertained such application, the Trial Court has not



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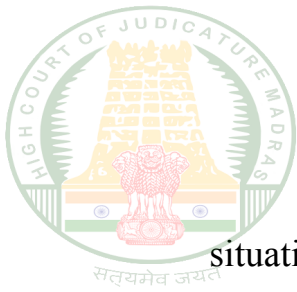
issued the challan. Therefore, the said amount of Rs.2,30,000/- has not been deposited.

2.2. When the matter is thus, again the respondents have filed an application in I.A.No.1051 of 2023 which was allowed by the Trial Court permitting the respondents to deposit Rs.2,30,000/- which is now under challenge.

3. Though the Trial Court has initially committed mistake in not furnishing the challan, the respondents were kept quite for a period of three years and have not made any deposit in any of the Bank. Therefore, the respondents are liable to pay interest for the said amount.

4. The learned counsel for the petitioner submitted that if reasonable interest is paid for the said amount for three years, they petitioner will receive the amount.

5. In such view of the matter, though initially the Trial Court had made a mistake by not issuing the challan, the fact remains that, that



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situation has been taken advantage by the respondents and the amount has not been paid immediately. Therefore, the respondents are liable to pay interest for Rs.2,30,000/- for a period three years.

6. Now, it is also stated that pursuant to the order of the Trial Court in I.A.No.1051 of 2023, a sum of Rs.2,30,000/- has been deposited in an interest bearing account. However, the fact remains that as the amount has not been paid for all these years, the respondents are liable to pay interest at the rate of 9% on Rs.2,30,000/- for a period of three years. The interest has to be calculated for three years at the rate of 9% on Rs.2,30,000/- and that amount shall be paid to the petitioner within a period of two weeks from the date of receipt of a copy of this order. Besides, the petitioner is also entitled to withdraw the amount already deposited in the account.

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

Index : Yes /No

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Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

The Principal Subordinate Court,
Kallakurichi.



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N.SATHISH KUMAR, J.

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