



C.R.P.(MD)No.291 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.291 of 2021
and C.M.P.(MD).No.1674 of 2021

Devaraj ... Petitioner/Respondent/Respondent/
Respondent-Judgment Debtor/Defendant

Vs.

R.Bakthasironmony ... Respondent/Applicant/Petitioner/Decree
Holder/Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to call for the records relating to the fair and decreetal order, dated 13.01.2020 made in E.A.No.1 of 2019 in E.P.No. 25 of 2009 in O.S.No.239 of 2000 on the file of the District Munsif, Eraniel, set aside the same.

For Petitioner : Mr.R.Russel Raj

For Respondent : Mr.S.C.Herold Singh

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order, dated 13.01.2020 made in E.A.No.1 of 2019 in E.P.No.



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25 of 2009 in O.S.No.239 of 2000 on the file of the District Munsif, Eraniel.

2.The facts in brief:

Suit in O.S.No.239 of 2000 was filed for recovery of Rs.28,000/- with future interest on the Principal amount of Rs.25,000/- and for cost. Suit was decided and suit was decreed as prayed for with cost. To execute the decree and Judgment E.P.No.25 of 2009 was filed and some amount was paid by the Judgment Debtor. But, later E.A.Nos.1 & 2 of 2019 were filed by the decree holder to amend the petition stating that proper calculation was not made in the execution petition due to some mistake. Both the applications were allowed by the Execution Court. Against which, this revision is preferred by the Judgment Debtor.

3.At the time of hearing, the learned counsel for the revision petitioner has filed calculation memo setting out the details.

4.It is a simple issue as to whether the entire decree amount has been satisfied or not. The revision petitioner ought to have filed the



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proper calculation memo before the Execution Court itself at the time of enquiry. And without resorting such steps, he filed the revision, which is not at all maintainable. It is not the duty of this Court to verify the calculation memo filed by the revision petitioner. He can very well approach the execution Court by producing the calculation memo, So that the execution Court can verify the same.

5.On the sole ground this civil revision petition stands dismissed. There shall be a direction to the revision petitioner to produce the calculation memo before the Execution Court and the Execution Court shall verify the same and pass necessary orders. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2025

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



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To

- 1.The District Munsif, Eraniel.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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