



CRP(MD). No.1929 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1929 of 2025
and CMP(MD) No.11023 of 2025**

1. E.Marimuthu,

2. J.Jaheer Hussain

... Petitioners

Vs

Tamilnadu Mercantile Bank Ltd,
Through its Manager,
1/756, Shengottai Branch,
Courtallam Road,
Piraanur Border,
Tenkasi Taluk,
Tenkasi District..

... Respondent

PRAYER :- Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated to set aside the (Fair and Decreeal) Docket Order passed in E.A.No.1/2024 in E.P.No. 175/2024 in O.S.No.80/2015 dated 12.06.2025 on the file of the Principal sub Court, Tenkasi.

For Petitioners : Mr.N.Marimuthu

for Mr.M.Jegadeeshapandian

For Respondent : Mr.N.Dilipkumar



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ORDER

The Civil Revision Petition is filed against the fair and decreetal order passed in E.A.No.1/2024 in E.P.No.175/2024 in O.S.No.80/2015 dated 12.06.2025 on the file of the Principal sub Court, Tenkasi.

2. The respondent bank instituted a suit against the petitioners herein in OS No.80/2025 for recovery of money and the said suit was decreed exparte and due to the non serving of said exparte decree, the petitioners could not file an appeal. In the meantime, the respondent/plaintiff preferred execution proceedings in EP No.175/2024, against which, the petitioners preferred EA No.1/2024 to stay the execution proceedings and the same was dismissed. Challenging the same, the petitioners are before this Court.

3. When the matter was listed on 03.07.2025, this Court passed the following order:

“This petition is filed seeking to dispense with the production of the docket order in E.A.No.1 of 2024.

2. The learned counsel for the petitioner submits



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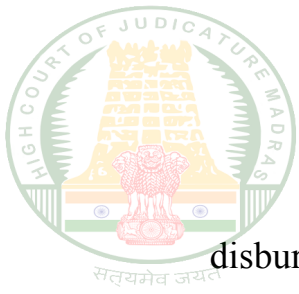
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that the suit in O.S.No.80 of 2015 was filed as against the petitioners/defendants and the same was decreed ex-parte. Since the said fair and decreetal order of the ex-parte decree made as against the petitioners was not served to the petitioners, they were not able to take necessary steps to challenge the ex-parte decree. However, in the meantime, the plaintiffs filed an execution proceedings and in that proceedings, restraint order has been passed as against the petitioners. Hence, the petitioner has filed this Civil Revision Petition.

3.Considering the submission made by the learned counsel for the petitioner, the Principal Sub Court, Tenkasi is directed to file a report as to whether the fair and decreetal order has been provided to the petitioners.

4.List this matter on 10.07.2025 along with the report obtained from the trial Court. Till such time, the trial Court is directed not to take any coercive steps.”

4. When the petition is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner is ready to settle the matter by paying the amount offered by the respondent bank. The petitioner has also filed an affidavit to that effect, in which, it is agreed by the petitioner that an amount of Rs.7,47,488/- shall be



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disbursed within four months. The said submission is recorded.

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5. The learned counsel for the respondent bank has no serious objections for the same and would submit that this Court may fix an outer limit for payment of the entire amount.

6. I have considered the rival submissions and perused the materials available on record.

7. Considering the submissions made on either side and considering the affidavit of undertaking given by the petitioner, this Court pass the following order:

The petitioner shall pay/deposit a sum of Rs.2,22,488/- on or before 18.08.2025 and pay/deposit Rs.1,75,000/- each for the next succeeding three months, ie., on the 18th of every month till 18.11.2025. On receiving the entire amount, the respondent shall issue a no due certificate to the petitioners and return all the originals to the petitioners. If the petitioners failed to pay any installment, the respondent is at liberty to proceed with the execution proceedings.



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8. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

18.07.2025

NCC : Yes/No
Index : Yes/No
RR

TO

1.The Principal sub Court, Tenkasi.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.1929 of 2025**

Date : 18/07/2025