



C.R.P(MD)No.3109 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.3109 of 2024

K.R.Kannan

... Petitioner

Vs

Sri Bagiyalakshmi Chit Fund(P) Ltd,
represented by its Managing Director
G.Krishnamoorthy

... Respondent

PRAYER : This Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the order passed by the learned District Munsif Court, Thuraiyur, in E.A.No.2 of 2022 in E.P.No.40 of 2005 in Ar.O.P.No.1 /2000 dated 02.03.2024 and allow the above Civil Revision Petition.

For Petitioners : Mr.S.Suresh Kumar Isaac Paul

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed to set aside the order passed by the learned District Munsif Court, Thuraiyur, in E.A.No.2 of 2022 in



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E.P.No.40 of 2005 in Ar.O.P.No.1 /2000 dated 02.03.2024 and allow the above Civil Revision Petition.

2. The facts in brief, is that an order was passed in Ar.O.P.No.1 of 2000, directing the revision petitioner to pay money on the basis of chit. Challenging that award, this revision petitioner filed W.P(MD)No. 8983/2011. The writ Court by order dated 18.08.2011, directed this revision petitioner to deposit Rs.25,000/- on or before a particular date as a condition for granting temporary stay order. Later the matter was referred to the Lok Adalat. There was a settlement in the Lok Adalat and an award was passed on consent on 12.03.2022 by which the amount was settled at Rs.61,500/-. On the date of award Rs.2,500/- was paid in cash. Balance amount to be paid is Rs.59,000/-. Later, according to the revision petitioner, that balance amount was also settled. In pursuance of the settlement, he filed E.A.No.2 of 2022 to transfer the amount which was deposited by him in pursuance of the writ Court order to his account with accrued interest. Later, Writ Petition was also closed in view of the settlement between the parties. That was resisted by the respondent stating that only Rs.59,000/-was paid by the petitioner and the amount



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deposited in the Court belongs to him. The Execution Court entered to discuss the entire facts and finally concluded that since because the writ Court has not permitted the revision petitioner to withdraw the amount, that amount only belongs to the decree holder. Challenging the correctness of that order, this revision petition is preferred.

3. Eventhough notice was served upon the respondent none appears and his name was also printed in the cause list. Heard the revision petitioner.

4. In the execution petition, the decree holder filed FS memo on 28.06.2022. Based upon which the attachment order was removed by order dated 10.08.2022. The decree holder filed cheque application on 05.09.2022. Later this revision petitioner filed cheque application on 14.12.2022. As mentioned above, in the Lok Adalat, the final settlement was reached between the parties at Rs.61,500/- on the date of award, Rs. 2,500/- was paid. The balance amount was agreed to pay on or before 27.06.2022. As per the FS memo, that amount was also received by the decree holder. So the entire amount was settled. But contra to the above said simple issue, the execution Court as mentioned above, has taken a



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new stand that the amount deposited in the Court belongs to the decree holder. Such was not the compromise between the parties. So naturally, only the person who deposited the amount is entitled to withdraw. So the revision is liable to be allowed.

5. Accordingly this Civil Revision Petition stands allowed. The order passed in E.A.No.2 of 2022 in E.P.No.40 of 2005 in Ar.O.P.No. 1 /2000 dated 02.03.2024, by the learned District Munsif Court, Thuraiyur, is set aside. There shall be a direction to the learned District Munsif Court, Thuraiyur, to return the money deposited by the revision petitioner on the basis of the cheque application by following proper procedure. No costs. Consequently, connected miscellaneous petition stands closed.

29-01-2025

NCC :Yes / No
Index : Yes / No
Internet : Yes / No
pnn



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To

1.The District Munsif Court, Thuraiyur.



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G.ILANGO VAN, J.

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