



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2186 of 2025

and

C.M.P.(MD).No.12919 of 2025

P.Manikandamoorthy

...Petitioner

Vs.

1.K.Marimuthu

P.Hariharan (died)

...Respondents

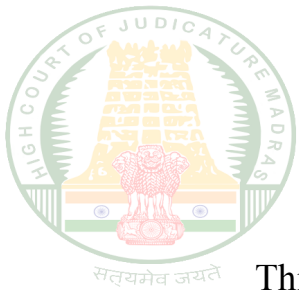
PRAYER: Civil Revision Petition is filed under Section 115 CPC to call for the records and set aside the order dated 11.07.2025 made in E.P.No.84 of 2019 in O.S.No.10 of 2017 on the file of the learned I Additional District Judge, Madurai and allow the Civil Revision Petition.

For Petitioner

: Mr.A.N.Ramanathan,
for Mr.C.Vengatesh

For Respondents

: Mr.K.Neethi Mohan



ORDER

This petition has been filed seeking to set aside the order dated 11.07.2025 made in E.P.No.84 of 2019 in O.S.No.10 of 2017 on the file of the learned I Additional District Judge, Madurai

2. The first respondent herein filed a suit in O.S.No.10 of 2017 before the learned District Judge, Ramanathapuram, seeking recovery of a sum of Rs. 15,26,213/- from the petitioner and one Hariharan. The said suit was decreed exparte. The decree was transmitted to the file of the Additional District Court, Madurai, and an Execution Petition in E.P.No.84 of 2019 was filed for recovery of the said amount. Pending execution, the petitioner paid a sum of Rs. 4,00,000/-. The said Execution Petition was allowed by the learned I Additional District Judge, Madurai, on 04.10.2024 and an order of arrest was passed against the petitioner for recovery of the balance amount. Aggrieved thereby, the petitioner filed a Civil Revision Petition before this Court in C.R.P. (MD).No.3146 of 2024 seeking to quash the order passed in E.P.No.84 of 2019 in O.S.No.10 of 2017. This Court, by order dated 07.01.2025, dismissed the said Civil Revision Petition. Thereafter, the petitioner filed an undertaking before this Court to pay the balance amount in instalments. In view of the said undertaking, the Execution Court permitted the petitioner to pay the balance amount in instalments. The petitioner has so far paid a sum of Rs.9,00,000/- against the decree amount of Rs.15,26,213/-. Though there was a default in the

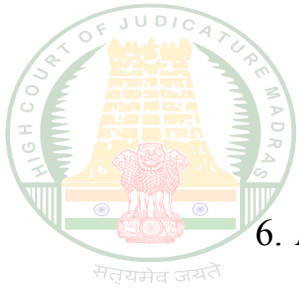


month of May 2025, the petitioner subsequently paid the said instalment belatedly on 11.07.2025. However, on the very same day, the learned I Additional District Judge, Madurai, issued a warrant of arrest. The petitioner thereafter filed E.A.No.5 of 2025 before the learned I Additional District Judge, Madurai, seeking permission to deposit the remaining decree amount in the succeeding months. The said application was dismissed by order dated 23.07.2025. The petitioner then filed E.A.No.6 of 2025 seeking permission to defer the arrest batta ordered on 11.07.2025, which was also dismissed on 23.07.2025. Challenging the EP proceedings, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the warrant is likely to be executed at any point of time. Hence, he prays for six months time to pay the balance amount.

4. Heard the learned counsel appearing for the respondents.

5. In view of the above, the petitioner is directed to pay a sum of Rs. 50,000/- on or before 25.08.2025, and thereafter, to continue paying the balance amount in instalments for a period of six months, on or before the 15th day of every month. If the petitioner commits any default, the arrest warrant shall stand restored automatically and this Court will not show any leniency in future.



6. Accordingly, the Civil Revision Petition stands disposed of. No costs.

Consequently, the connected miscellaneous petition is closed.

21.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The I Additional District Court, Madurai.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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