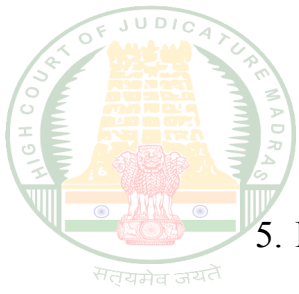


2. The petitioner is the judgment debtor and the respondent is the decree holder. The petitioner had not paid his telephone bills for certain months, which resulted in the filing of O.S.No.22 of 2009 before the Sub Court, Tiruchendur. After contest, a decree was passed directing the petitioner to pay a sum of]Rs. 70,191/- to the respondent.

3. The case of the petitioner is that, subsequent to the decree, he approached the office of the respondent and paid a sum of Rs.43,416/- towards the decree amount by way of demand draft, which was handed over to the Manager of the respondent, for which a receipt was also issued and marked as Ex.R3. In spite of the said payment, the respondent filed E.P.No.26 of 2015 and the execution was ordered by the trial Court. Aggrieved by the same, the petitioner filed E.A.No.27 of 2017 under Sections 47 and 151 CPC contending that the matter had already been compromised by payment of Rs.43,416/-. The said execution application, however, was dismissed on 29.01.2018. Challenging the same, the present Civil Revision Petition has been filed.

4. The learned counsel for the petitioner would submit that though the decree amount was Rs.70,191/-, the petitioner had already paid a substantial sum of Rs.43,416/-. In order to give quietus to the issue, the petitioner is willing to settle the matter by paying Rs.60,000/- to the respondent.



5. Per contra, the learned counsel for the respondent would contend that the alleged compromise said to have been entered into in the year 2011 has not been proved by the petitioner. He would further submit that as on date, the total dues amount to Rs.1,32,075/- and therefore prays for dismissal of the petition.

6. This Court has considered the rival submissions and perused the records. Admittedly, the suit claim was filed in the year 2009 and the decree was passed for a sum of Rs.70,191/-. The petitioner claims to have paid a sum of Rs.43,416/- in the year 2011, evidenced by Ex.R3, and further a sum of Rs.35,000/- has already been recovered from his account.

7. In view of the above facts and circumstances, this Court is inclined to fix the amount payable at Rs.60,000/- (Rupees Sixty Thousand only). The petitioner is directed to deposit a sum of Rs.60,000/- within a period of two weeks from the date of receipt of a copy of this order, to the credit of E.P.No.26 of 2015 in O.S.No.22 of 2009 on the file of the District Munsif Court, Tiruchendur. On such deposit being made, the trial Court shall close the execution proceedings as against the petitioner. In default of such payment, liberty is granted to the respondent to proceed with the execution petition in the manner known to law.



8. Accordingly, the Civil Revision Petition stands allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

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28.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The District Munsif Court, Tiruchendur.

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



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M.DHANDAPANI, J.

TSG

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