



CRP (MD). No.3075 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Dated : 09/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.3075 of 2024
and CMP(MD) No.17514 of 2024**

Jayakar Joseph
The Managing Director,
M/s.Johnson Medicom Pvt Ltd,
Kuzhithurai
Kuzhithurai Town and Village
Vilavancode Taluk
Kanyakumari District

... Petitioner

Vs

The Branch Manager,
Tamilnadu Mercantile Bank
Padanthalumoodu Branch
Kaliyakkavilai Village
Vilavancode Taluk
Kanyakumari District

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India against the fair and decreetal order in EA NO.6/2023 in EP No.3/2009 in OS No.136/2003 on the file of Subordinate Judge, Kuzhithurai.

For Petitioners :(*) Mr.B.Jameelarasu

For Respondent : (*)Mr.P.Pethu Rajesh



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ORDER

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The Civil Revision Petition is filed against the fair and decreetal order in EA NO.6/2023 in EP No.3/2009 in OS No.136/2003 on the file of Subordinate Judge, Kuzhithurai.

2. The petitioner is the judgment debtor in OS No.136/2003 and the suit is filed by the respondent bank and the suit was decreed. Subsequently the respondent bank initiated execution proceedings and the petitioner herein filed a petition in EA NO.6/2023 under Order XXI and Rule 59 of the Civil Procedure Code to stay the proceedings in EP No.3/2009. The said petition was dismissed and against the said dismissal, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner is the judgment debtor and he is challenging the order in EA NO.6/2023, wherein, the trial Court dismissed the petition filed under Order XXI Rule 59 of the Code of Civil Procedure. However, during the pendency of the petition, the petitioner paid the entire amount to the bank and no amount needs to be paid.

4. However, the learned counsel for the respondent would submit that as on date, Rs.20,055/- is due towards the principal and apart from that, the petitioner has to pay Advocate fees and other incidental charges, which comes to Rs.63,125/-.



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on record.

5. I have considered the rival submissions and perused the materials available

6. Considering the facts and circumstances of the case, this Court is at a loss to understand as to how Advocate fees can be claimed without the same being awarded. The respondent claimed that apart from the principal amount of Rs. 20,055/-, other expenses which comes to Rs.43,070/- has to be paid by the petitioner.

7. In view of the above, while allowing the Civil Revision Petition and setting aside the order dated 22.10.2024 in EA NO.6/2023, this Court is inclined to pass the following order:

Apart from the principal amount, this Court add another sum of Rs.20,000/-. Accordingly, Rs.40,055/- is fixed in toto and the petitioner shall make a payment of Rs.40,055/- to the bank within two weeks from the date of receipt of a copy of this order and on receipt of the said amount and the bank shall credit the same in EP No. 3/2009 in OS No.136/2003 and the bank is also directed to issue a no due certificate to the petitioner and return all the documents, which were furnished by the petitioner.



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No costs. Consequently connected Miscellaneous Petition is closed.

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Sd/-

09.07.2025

(*)Corrected as per order of this Court dated 06/08/2025 made in CRP(MD)No. 3075 of 20254

Sd/-

Assistant Registrar (CS I)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

RR

To:-

(*)To be substituted to the order already despatched on 04/08/2025

To

1.The Subordinate Judge,
Kuzhithurai.

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.B.JAMEELARASU, Advocate (SR-41831[F] dated 10/07/2025)

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-42129[F] dated 11/07/2025)

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Date : 09/07/2025

RA - (31.07.2025) 5P/ 6 C

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JJ/25.08.2025 5P/ 6C

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