



CMP(MD) NO. 2420 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CMP(MD) NO. 2420 of 2025

in Rev. Aplc(MD) SR.No.72630 of 2024

N.Abdul kapoor (Died),

1)A.Suriya Begam,

2)A.Sameena Begam,

3)A.Naina Mohammed

4)M.Nasrine Fathima

5)N.Doubique Mariam

6)A.Thahira Parveen

7)A.Ahamed

(Cause title is accepted V.C.O dt 07-02-2025 made in CMP(MD) No.255/2025 in Rev. Aplc(MD) SR.No.72630/2024)

Petitioner(s)

Vs

1.Kumaran Financiers

Through its Finance Manager Having Office at Door No.11, West Vadampokki Street, Madurai.

2.S.Padma Sethurajan

(Respondent No.2 is impleaded as per the order of this Court, dated 11.03.2025 made in CMP(MD)No.4146 of 2025 in Rev.Aplc(MD)SR.No.72630 of 2024

Respondent(s)

For Petitioner(s):

Mr.R.Ramasamy

For Respondent(s):

M/s.J.Suresh Kumar

For R2 (in Cmp(md). 4868/2025)

Written Submission Filed Usr 18143 Dt 16.04.2025

Memo Filed Usr.18609 Dt.21.04.2025



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Court Notice

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R1 - No Appearance Is Required For The Dissolved Company
(vide Court Order Dated 23.04.2025)

ORDER

This civil miscellaneous petition has been filed to condone the delay of 4768 days in filing the above Review application.

2.The legal heirs of the defendants in O.S.No.1019 of 1993 on the file of the II Additional Subordinate Judge, Madurai, has filed this review application challenging the Judgment and Decree passed by this Court in A.S.No.877 of 1998. The review application has been filed only relating to the interest portion on the award amount passed by the learned trial Judge confirmed by this Court in A.S.No.877 of 1998. It is stated that the plaintiff never pleaded to grant interest of 36% and also there was no agreement to pay 36% interest. But, the learned trial Judge has granted decree with 36% of interest. The same was also confirmed by this Court without considering the above aspect by the impugned judgment dated 21.01.2011. After the judgment of this Court, pending execution the judgment debtor died on 11.06.2015. Therefore, the legal heirs namely the petitioners were arrayed as parties to the execution proceedings. Thereafter, they came to know about the grant of 36% of interest. Hence, they have filed this Review application with delay of 4768 days. The learned counsel for the respondent strongly objected to allow this



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application. But, no contra materials were produced to prove that they had knowledge about the grant of decree during their life time of their father, namely, Judgment debtor. Therefore, this Court is inclined to accept the reason that the petitioners as a legal heirs of the deceased judgment debtor got knowledge about the dismissal of the said appeal on 08.11.2010 only after they were impleaded as parties to the execution proceedings. According to the learned counsel for the petitioners, grant of decree with 36% of interest without prayer and document is an apparent error and the same is a sufficient ground to entertain the review petition. This Court is not inclined to go into the merits. But, finds every reason to accept their explanation to condone the delay of 4768 days. This Court also considered the submission of the learned counsel for the petitioners that they are ready to deposit 6% of interest to show their bonafides and to pay the reasonable costs.

3. Accordingly, this Civil Miscellaneous Petition stands allowed in the following terms:

(i) The delay in 4768 days in filing the above Review Application is condoned with payment of costs of Rs.50,000/- payable to the learned counsel for the respondent and to deposit the interest amount for the period 16.08.1993 to 29.01.1998 for the principal amount Rs.2,80,500/- at the rate of 6%. The above said direction shall be complied on or before 20.07.2025, otherwise, the petition shall



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stand dismissed without any further reference to this Court.

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4. List this case on 21.07.2025 under the caption for "reporting compliance".

sd/-
02/07/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM/sbn

TO

THE II ADDITIONAL SUBORDINATE JUDGE,
MADURAI

ORDER
IN
CMP(MD) NO. 2420 of 2025
in Rev. Aplc(MD) SR.No.72630 of 2024
Date :02/07/2025

MK/09.07.2025 4P/2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023