



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 19.02.2026

Judgment pronounced on : 27.02.2026

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.6579 of 2025
& CMP.No.32551 of 2025

Sunil Kumar Nanappan

.. Petitioner

Vs.

G.Balasubramanyam

.. Respondent

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order dated 24.03.2025 in E.P.No.23 of 2024 in C.S.No.102 of 2021 on the file of the III Additional District and Sessions Judge, Poonamallee.

For Petitioner : Mr.V.Manisekaran

For Respondent : Mr.G.Thyagarajan

ORDER

The judgment debtor is the revision petitioner, challenging the order passed by the executing Court in E.P.No.23 of 2024.



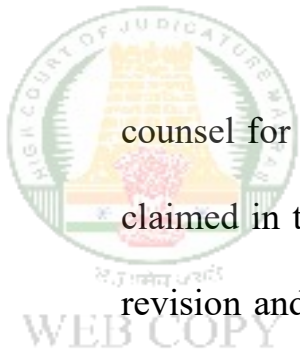
2.I have heard Mr.V.Manisekaran, learned counsel for the revision petitioner and

Mr.G.Thyagarajan, learned counsel for the respondent.

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3.Mr.V.Manisekaran, learned counsel appearing for the revision petitioner would submit that the respondent had filed a suit before the Original Side of this Court in C.S.No.102 of 2021 for a decree to an extent of Rs.1,23,58,139.34/-, with future interest at 12% per annum. The suit was decreed based on a compromise memo dated 27.01.2022. The compromise amount was agreed to be paid within an agreed time frame. The petitioner paid portions of the amount due to the respondent and thereafter, committed default on account of problems in business. Hence, the respondent filed E.P.No.23 of 2024 for attachment and sale of the immovable properties of the judgment debtor. The E.P amount is Rs.2,62,89,210.08/-. Pending the CRP, the petitioner has come forward to pay the entire principal amount covered by the compromise decree. According to the learned counsel for the petitioner, the entire amount due to the respondent has been paid in full and final settlement and satisfaction and nothing more remains to be paid with payments made pending the revision petition.

4.However, Mr.G.Thyagarajan, learned counsel appearing for the respondent, opposing the submission of the learned counsel for the petitioner, would state that having entered into a compromise on 27.01.2022, the petitioner has committed default and the respondent was constrained to initiate execution proceedings. The learned



counsel for the respondent would state that the the petitioner is liable to pay interest as claimed in the execution petition. He would therefore state that there is no merit in the revision and merely because the petitioner has paid the admitted amount for which the compromise was entered into it will not entitle him any sympathy and the petitioner should be called upon to pay interest for the belated payment.

5.I have carefully considered the submissions advanced by the learned counsel on either side.

6.In fact, I find from the compromise memo that there is no default clause for payment of interest and as on date, pending revision, the amount originally agreed to be paid has been settled, though very belatedly. In the light of the above and applying the principles of equity, I am inclined to direct the petitioner to pay interest at a nominal rate of 6% on the amount due and payable as on the last date contemplated for settlement of the decree amount. The petitioner ought to have settled the amount by latest August 2023. Admittedly, the petitioner has not paid the amount as promised and undertaken under the compromise memo.

7.In the light of the above, the Civil Revision Petition is partly allowed and the petitioner shall pay interest at 6% per annum from September 2023 to December 2025 on Rs.1,96,55,569.34/-. While calculating the interest, any amount, if having been paid,



in the interregnum period, that is after September 2023 up to December 2025, shall be excluded from the principal amount. The unpaid amounts alone shall attract interest at 6% per annum. The petitioner shall pay the same within a period of 16 weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

27.02.2026

Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To

The III Additional District and Sessions Judge, Poonamallee.



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P.B.BALAJI.J,

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Pre-delivery order made in
CRP.No.6579 of 2025
& CMP.No.32551 of 2025

27.02.2026