

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of April Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice C.SARAVANAN

C.R.P(MD).No.1000 of 2023
and
C.M.P(MD)No.4948 of 2023

S.RAMACHANDRAN

... PETITIONER/PETITIONER/
DEFENDANT

Vs

K.SARASWATHI

... RESPONDENT/RESPONDENT/
PLAINTIFF

Civil Revision Petition filed under Section 115 of Code of Civil Procedure Code, to set aside the order dated 20-01-2023 passed in I.A.No. 259/2020 in OS.No. 210/2014 passed by the Learned Subordinate Judge, Uthamapalayam.

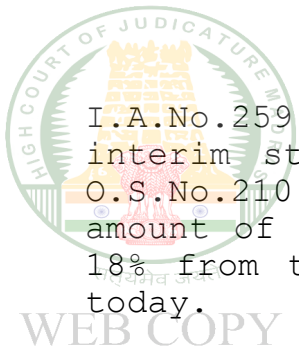
Prayer in CMP(MD). 4948/ 2023 :

To stay all further proceedings of the execution proceedidngs in E.P.No 58/2018 in OS..No. 210/2014 pending on the file of the Learned Subordinate Judge, Uthamapalayam till the disposal of this revision petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.VISHNURAM, Advocate for the petitioner, the court made the following order:-

Though the petitioner has not given proper reasons in the affidavit filed for condoning the delay of 1652 day in filing the application for setting aside an *ex parte* decree passed by the Trial Court on 18.11.2015, the facts on record seems to indicate that an agreement was signed on 13.06.2013 for sale of the land of the petitioner. The petitioner is said to have received a sum of Rs.2,50,000/- out of Rs.2,70,000/- and the balance was to be paid within a period of two years from the date of execution of the aforesaid agreement. *Prima facie*, it appears that the agreement was signed for hand loan as two years period given for paying the balance amount of Rs.20,000/- appears improper in an agreement for specific performance.

2. Considering the fact that the petitioner has also not repaid the amount borrowed from the respondent/plaintiff and has filed



I.A.No.259 of 2020 with a delay of 1652 days, I am inclined to grant interim stay of all further proceedings in E.P.No.58 of 2018 and O.S.No.210 of 2014 subject to the petitioner depositing the entire amount of Rs.2,70,000/- that was borrowed together with interest at 18% from the date of agreement within a period of six weeks from today.

3. Issue notice to the respondent returnable by six weeks. Private notice is also permitted.

4. Post after six weeks.

sd/-
18/04/2023

/ TRUE COPY /

/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SN

TO

THE SUBORDINATE JUDGE, UTHAMAPALAYAM.

+1. C.C. to M/S.G.VISHNURAM Advocate SR.No.6032

ORDER

IN

C.R.P(MD) .No.1000 of 2023
and

C.M.P(MD)No.4948 of 2023

Date :18/04/2023

RK/CG/SAR-3(25.04.2023) 2P/3C