



A.S.No.635 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2026

WEB COPY

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

A.S.No.635 of 2026

and

C.M.P.No.16263 of 2026

1.N.Vijayakumar
2.Vijayalakshmi

... Appellants

Vs.

C.Ashok

... Respondent

Prayer : Appeal filed under Section 96 of the Code of Civil Procedure against the judgment and decree dated 12.04.2024 passed in O.S.No.108 of 2021 on the file of the III Additional District and Sessions Court, Tiruvallur at Poonamallee.

For Appellants : Mr.M.Marudhachalam

For Respondent : Mr.D.Lakshmipathy



A.S.No.635 of 2026

J U D G M E N T

WEB COPY

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the judgment and decree passed by the learned III Additional District and Sessions Judge, Tiruvallur at Poonamallee, dated 12.04.2024, in O.S.No.108 of 2021, decreeing the suit for recovery of money along with interest, the defendants have filed the present Appeal.

2.The suit has been laid on the basis of a promissory note dated 20.06.2020. It is the case of the plaintiff that the defendants had borrowed a sum of Rs.17,50,000/- from the plaintiff to meet out their urgent family commitments and executed the suit promissory note on 20.06.2020, agreeing to repay the amount with interest @ 24% p.a. However, the same was not repaid. Therefore, the plaintiff issued a legal notice on 09.01.2021. The same has been returned unclaimed. Hence, the suit.

3.The defendants filed their written statement denying the transaction and contended that the defendants were successful bidders in the monthly chit schemes conducted by the plaintiff, who had handed over the prize



A.S.No.635 of 2026

money on receipt of a blank promissory note and cheques as security.

Misusing the blank promissory note given by the defendants as security, the plaintiff has filed the suit.

4.The trial Court, based on the pleadings, has framed the following issues :

- i. Whether the plaintiff is entitled to a decree for recovery of money from the defendants as prayed for ?*
- ii. To what other reliefs is the plaintiff entitled ?*

5.On the side of the plaintiff, P.W.1 was examined and Exs.A1 to A4 marked. Though the defendants have filed their written statement, they have not let in any evidence on their side.

6.The trial Court, on the basis of the plaintiff's side evidence, by its judgment and decree, dated 12.04.2024, decreed the suit and directed the defendants to pay a sum of Rs.20,65,287/- with interest on Rs.17,50,000/- at 12% p.a. from the date of suit till the date of decree and at 6% p.a. thereafter till the date of realisation.



A.S.No.635 of 2026

WEB COPY

7.Challenging the judgment and decree of the trial Court, the defendants have filed the above Appeal.

8.Learned counsel for the appellants would submit that they were not properly represented before the trial Court and no evidence adduced on their side and hence, seeks to set aside the judgment and decree and to give an opportunity to the defendants. He would further submit that the defendants are ready to deposit the entire suit amount of Rs.20,65,287/- in two installments, within a period of two months from today, to the credit of the suit.

9.Mr.D.Lakshmipathy, learned counsel appearing for the respondent/plaintiff, has no serious objection for granting an opportunity to the defendants, since the entire suit amount is agreed to be deposited by the defendants, before the trial Court.

10.Considering the aspect that the appellants/defendants have not contested the matter by letting in evidence on their side and that now, they



A.S.No.635 of 2026

are ready to deposit the entire suit amount before the trial Court, in order to give them one more opportunity to contest the matter, we are inclined to set aside the judgment and decree of the trial Court.

11. Accordingly, this Appeal is allowed and the impugned judgment and decree of the trial Court is set aside and matter is remanded back for fresh consideration on condition that the appellants/defendants deposit the entire suit amount of Rs.20,65,287/- in two installments, within a period of two months from today, to the credit of O.S.No.108 of 2021 before the III Additional District Court, Tiruvallur at Poonamallee. On such deposit being made by the appellants/defendants, the amount shall be re-deposited in any Nationalised Bank in an interest bearing deposit, till the suit is disposed of by the trial Court. Thereafter, the amount shall be disbursed, along with the accrued interest, based on the decree and judgment that may be passed in the suit. Till the suit is disposed of in one way or the other, there shall not be any coercive steps in the execution proceedings. The trial Court is directed to dispose of suit as expeditiously as possible. It is made clear that, if the amount is not deposited within a period of two months from today, as agreed by the defendants before this Court, the Appeal shall stand dismissed



A.S.No.635 of 2026

automatically and the Execution Court shall proceed with execution of the decree. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

(N.S.K., J.) (M.J.R., J.)
01.07.2026

mkn

Internet : Yes
Index : Yes / No
Speaking Order
Neutral Citation : Yes

To

- 1.The III Additional District Judge,
Tiruvallur at Poonamallee.
- 2.The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



A.S.No.635 of 2026

N. SATHISH KUMAR, J.
and
M. JOTHIRAMAN, J.

mkn

A.S.No.635 of 2026

01.07.2026