



WEB COPY

CRP No. 2536 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2536 of 2025

and

CMP No. 14463 of 2025

A.L.Azhagappan

S/o. Azhagappan, 4-18, Balaji Avenue, Thirumalai

Pillai Second Street, T.Nagar, Chennai 017

..Petitioner(s)

Vs

Sanjay Kumar

S/o. Prakash Raj

No. 23, Kandappa Mudali Street, Chennai 079

..Respondent(s)

Prayer: This petition is filed under Section 115 of CPC to set aside the fair and decretal order dated 16.04.2025 in E.A. No. 3 of 2024 in E.P. No. 1994 of 2016 in OS No. 1960 / 2004 on the file of XXVII Assistant Judge, City Civil Court, Chennai.

For Petitioner(s):

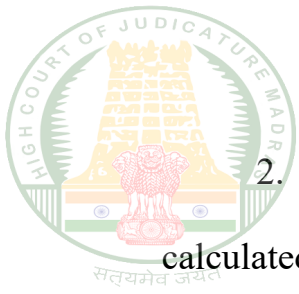
MR.M.K.KABIR SENIOR COUNSEL FOR
S.SRIDHAR

For Respondent(s):

MS.SANDHYA FOR MS.J.SUGANTHI

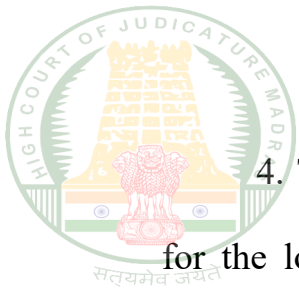
ORDER

This petition is filed to set aside the fair and decretal order dated 16.04.2025 in E.A. No. 3 of 2024 in E.P. No. 1994 of 2016 in OS No. 1960 of 2004 on the file of XXVII Assistant Judge, City Civil Court, Chennai.



2. The facts of the case is that the petitioner/Judgment debtor had calculated normal rate of interest for Rs.1. Lakhs which he had borrowed from the respondent. While so, in the Execution petition filed by the respondent the rate of interest was calculated at 36%. Hence, the petitioner filed E.A to dismiss the said Execution Petition in view of the Section 3 and 7 of the Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003 as the respondent has claimed exorbitant rate of interest at the rate 0.36 % per annum under Section 47 of CPC and the same was dismissed vide order dated 16.04.2025, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that the respondent has obtained ex-parte decree against the Judgment against the petitioner in the suit for the recovery of a sum of Rs.1,00,000/- alleged to be due on a promissory note to be executed by the petitioner in favour of the respondent and the Trial Judge while passing the ex-parte decree directed the petitioner to pay interest at the rate of 36% per annum from the date of plaint to till date of realization, which is erroneous. To substantiate the same the petitioner has relied upon the Judgment rendered by the Apex Court in the case of ***Civil Appeal Nos. 4560-4563 of 2025 [L.K.Merchants Pvt Limited & others Vs The State of Rajasthan & Others]*** Hence, the petitioner prays to reduce the interest by allowing this petition.



4. The learned counsel for the respondent submitted that the suit is only for the loan due by the Judgment debtor on a promissory note, wherein the petitioner promised to make payment on demand at the rate of interest as mentioned in the promissory note. He further submitted that in such circumstances, the Money Lenders Act and Exorbitant interest Act is also exempted. Hence, he prayed for dismissal of this petition.

5. Heard both sides and perused the materials on record.

6. On a perusal of order it is seen even though the petitioner is bound to pay the interest as per the promissory note demanding 36% is very high. Further in E.A it is seen the Court below has observed that if any dispute regarding interest the aggrieved person shall prefer appeal or revision to the Appellate Forum and the Execution Court cannot go beyond the decree. It has been further stated that the issue whatever decided in the suit cannot be re-agitated in the execution proceedings. Further more the respondent has only obtained the exparte decree and Judgment against the petitioner and the Trial Judge had passed the decree thus directed the petitioner to pay the principal amount with interest at the rate of 35% per annum and cost from the date of plaint till the date of realization.



7. In view of the above facts and also considering the fact that the petitioner is a senior citizen. this Court is inclined to reduce the rate of interest to 18% from 36% from the date of suit till the date of realization. The learned Judge XXVII Assistant Judge, City Civil Court, Chennai is directed to calculate the interest already paid by the petitioner and refund the same, if any excess payment is made.

8. With the above direction this Civil Revision Petition is disposed of. No order as to costs. Consequently connected miscellaneous petition is closed.

24-06-2026

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

SMN
To.

XXVII Assistant Judge, City Civil Court,



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T.V.THAMILSELVI, J.

SMN

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