



WEB COPY

CRP No. 2856 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

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

**CRP No. 2856 of 2026
& CMP.No.11648 of 2026**

1. Rabi Mohan
2. Mary Stella
3. M/s. Photo City
Rep by its Authorised Signatory Mrs. Mary
Stella
Madhavaram High Road,
Moolakadai, Chennai 60.

..Petitioner(s)

Vs

Ajith S. Lulla

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 09.07.2024 made in I.A.No.2 of 2023 in O.S.No.6457 of 2023 on the file of the XIX Additional City Civil Court, Chennai.

For Petitioner(s): Mr.S.Janarthanam

For Respondent(s): Mr.D.Chandra Sekar



WEB COPY

ORDER

This revision has been filed to set aside the order dated 09.07.2024 made in I.A.No.2 of 2023 in O.S.No.6457 of 2023 on the file of the XIX Additional City Civil Court, Chennai.

2. I have heard Mr.S.Janarthanam, learned counsel for the revision petitioners and Mr.D.Chandra Sekar, learned counsel for the respondent.

3. The petitioners are the defendants in a summary suit filed for recovery of monies, allegedly due on a promissory note. The case of the respondent as plaintiff is that the petitioners have borrowed monies to the tune of Rs.35 lakhs from the respondent-plaintiff and the cheque issued towards the repayment was also dishonoured. There has been exchange of notices, subsequent to which, the suit has been filed as an under chapter suit, invoking Order XXXVII of the CPC. The petitioner took out an application in I.A.No.2 of 2023, seeking unconditional leave to defend the suit. It is the case of the petitioners that there are multiple financial transactions between the parties and there are also mortgage deeds executed between the family members, including the petitioners' brother. The petitioners themselves have filed a suit in C.S.No.166 of 2024 before the Original Side of the High Court of Madras for recovery of



more than Rs.1,29,00,000/- from the respondent and making out these contentions leave was sought for. On the other hand, the respondent resisted the application for leave and filed a counter, contending that the transactions are independent transactions and admittedly, in respect of the suit claim, a promissory was executed by the petitioners and towards repayment, a cheque was also issued and the same was also dishonoured and there is absolutely no connection between the other transactions or even pending suit on the file of the Original Side of the Madras High Court.

4. On enquiry, the learned XIX Additional City Civil Court, Chennai dismissed the leave to defend application, finding that the petitioners have not made out any case for unconditional leave and they have not filed any documents to make out any triable issues arising for consideration in the main suit. The learned counsel for the petitioners also brought to my notice that in a similar suit filed by the respondent against the petitioners as an under chapter suit, the Court had in fact granted unconditional leave to the petitioners and the said suit is now in a part heard stage.

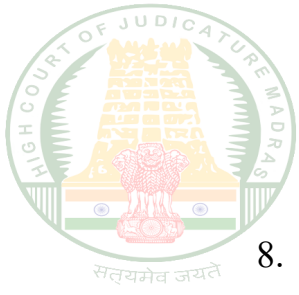
5. As rightly pointed out by the learned counsel for the respondent, the order passed, dismissing the leave to defend application was way back in the year 2024. The order was passed on 09.07.2024, clearly two years prior to even the filing of the revision. There is absolutely no explanation as to why the order



was not challenged immediately. No doubt, there is no limitation for seeking revision of an order passed by the Subordinate Court invoking Article 227 of the Constitution of India, at the same time, the Court has come down heavily on delay, especially when it is unexplained.

6. Here, the respondent has been served with notice in the execution proceedings, soon after the dismissal of the application for leave to defend and the execution petition having been filed. The said execution petition is admittedly pending. It is only thereafter the present revision has been filed. Therefore, I do not see any bonafides on the part of the petitioners in even approaching this Court belatedly, after a period of almost two years from the date of passing of the impugned order.

7. At the same time, considering the fact that between the same parties in an another suit, leave has been granted and the petitioners have also set out pendency of other financial transactions, which is not denied by the respondent-plaintiff, I am inclined to grant conditional leave to the petitioner, subject to deposit of the principal amount of Rs.30,00,000/- to the credit of O.S.No.6457 of 2023 on the file of the XIX Additional City City Court, Chennai, within a period of twelve weeks from the date of receipt of a copy of this order. If the conditional order is complied with, the suit shall be tried as a regular suit and the trial Court shall endeavour to dispose of the suit by 30.04.2027.



8. With the above direction, the Civil Revision Petition is disposed of.

There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

02-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ATA

To

The XIX Additional City Civil Court, Chennai.



WEB COPY

CRP No. 2856 of 2



P.B.BALAJI, J.

ATA

CRP No. 2856 of 2026

02-07-2026