

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.(NPD)No.3273 of 2015 &
M.P.No.1 of 2013

R.K.Rajendran

... Petitioner

v.

O.P.Lingesan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 8.7.2015 in I.A.No.18577 of 2014 in O.S.No.3847 of 2013 on the file of the IV Assistant City Civil Judge, Chennai.

For Petitioner : Mr.A.R.Nixon

For Respondent : Mr.R.Praburam

O R D E R

The revision petitioner is the defendant in O.S.No.3847 of 2013 on the file of the IV Assistant Judge, City Civil Court, Chennai.

2. The plaintiff filed the suit in O.S.No.3847 of 2013 for recovery of money under Order 37, Rule 1 and 2 of CPC, which requires the disposal of the suit in a summary way.

3. While so, the revision petitioner filed an application in I.A.No.18577 of 2014 in O.S.No.3847 of 2013 under Order 37, Rule 5 of CPC to grant unconditional leave to the defendant to defend the suit. The defendant did not admit any liability. He wanted to contest the suit.

4. By order dated 08.07.2015, the IV Assistant Judge, City Civil Court, Chennai, dismissed the application in I.A.No.18577 of 2014 in O.S.No.3847 of 2013, which would result in decreeing the suit without trial.

5. In these circumstances, the defendant in the suit has filed this revision petition seeking to quash the aforesaid order.

6. Heard both sides.

7. Since the revision petitioner-defendant did not admit any liability I am of the view that the order dated 08.07.2015 is liable to be interfered with.

8. Accordingly, the order dated 08.07.2015 made in I.A.No.18577 of 2014 in O.S.No.3847 of 2013 is set aside.

9. The learned counsel for the revision petitioner stated that the revision petitioner-defendant would co-operate for early disposal of the suit and he would not drag on the matter and he also undertakes to file the written statement within a period of two weeks.

10. Hence, I direct th IV Assistant Judge, City Civil Court, Chennai. to dispose of the O.S.No.3847 of 2013 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes

19.08.2015

Rj
To
The IV Assistant Judge,
City Civil Court, Chennai.

D.HARIPARANTHAMAN,J.,

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