

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1472 of 2016

and

C.M.P.No.8079 of 2016

Aranmanaiselvi

... Petitioner

VS

S.Shakthi Vel

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 07.12.2015 passed in I.A.No.6168 of 2015 in O.S.No.7059 of 2014 on the file of learned First Assistant Judge [FAC], City Civil Court, Chennai.

For Petitioner : Mr.R.Raman Laal

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ORDER

This revision challenges the order of learned I Assistant Judge [FAC], City Civil Court, Chennai, passed in I.A.No.6168 of 2015 in O.S.No.7059 of 2014 on 07.12.2015.

2. Heard learned counsel for petitioner.

3. Revision petitioner has moved a summary suit under Or.37 R.1 CPC basing his claim on a pronote. Respondent/defendant moved I.A.No.6168 of 2015 seeking grant of unconditional leave to defend. On consideration of his contention that he had dealings, not with petitioner/plaintiff but only with her husband with whom he had left a signed promissory note, which was being misused by petitioner/plaintiff, Court below has granted leave to defend. A mere semblance of a defence would be sufficient to do so. Of course, the defence should not be mere moonshine. Finding no error in the order of the Court below and leaving it open to both parties to canvass their respective cases on merits, this Court dismisses the petition.

The Civil Revision Petition shall stand dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

06.06.2016

Index : Yes / No
Internet : Yes
sri/gm

To

The I Assistant Judge [FAC],
City Civil Court, Chennai.

C.T.SELVAM, J

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