

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) Nos.2027 and 2028 of 2009
M.P.No.1 of 2009 and M.P.No. 1 of 2009

K.Sriram

... Petitioner in both CRPs

Vs.

1.Sanjay Singhi (HUF)

2. M/s Morgan Industries Limited,
Represented by its Director,
Mr.Venkatraman
109, Nungambakkam High Road,
Nungambakkam, Chennai – 600 034

3. Mr.Venkatraman ... Respondents in C.R.P.(NPD)
No. 2027 of 2009

1.Vinod Sanklecha

2. M/s Morgan Industries Limited,
Represented by its Director,
Mr.Venkatraman
109, Nungambakkam High Road,
Nungambakkam, Chennai – 600 034

3. Mr.Venkatraman ... Respondents in C.R.P.(NPD)
No.2028 of 2009

PRAYER in CRP.No.2027 of 2009 : The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the conditional order dated 29.07.2008 and confirmed by judgment and decree on 22.08.2008 in I.A.No.6073 of 2008 in O.S.No.1275 of 2006 on the file of the learned VI Assistant City Civil Judge, City Civil Court, Chennai.

PRAYER in CRP.No.2028 of 2009 : The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the conditional order dated 29.07.2008 and confirmed by judgment and decree on 22.08.2008 in I.A.No.6074 of 2008 in O.S.No.1276 of 2006 on the file of the learned VI Assistant City Civil Judge, City Civil Court, Chennai.

For Petitioner in both CRPs : Mr.R.Sunil Kumar
For Respondents in both CRPs : No appearance

COMMON ORDER

The above civil revision petitions are filed as against the order passed by the trial court imposing the condition to deposit a sum of Rs.11,800/- in Interlocutory Applications viz., I.A.No.6073 of 2008 in O.S.No.1275 of 2006 and I.A.No.6074 of 2008 in O.S.No.1276 of 2006, filed to leave to defend the suit.

2. Originally, the suit has been filed for recovery of money for a sum of Rs.23,600/- under Order 37 Rule 4 of Civil Procedure Code, wherein, the defendant has filed an application to leave to defend the suit. The trial court has allowed both interlocutory applications with a condition that the petitioner has to deposit a sum of Rs.11,800/- each for I.A.No.6073 of 2008 in O.S.No.1275 of 2006 and I.A.No.6074 of 2008 in O.S.No.1276 of 2006 in the Court, as against which, the present civil revision petition is filed.

3. Heard the learned counsel appearing for the revision petitioner.

4. I do not find any illegality in the order passed by the trial Court when the leave itself granted by the trial court. The revision petitioner can very well establish the defence as to maintainability of the suit whether the suit is maintainable or the money is recoverable cannot be tested in this revision, all those facts are matter of evidence. The trial Court has not directed the revision petitioner to pay the amount to the plaintiff, only directed him to deposit a sum of Rs.11,800/- in the Court deposit. Above amount in my view is not onerous to him. Hence, the order passed by the trial Court does not require any interference.

N. SATHISH KUMAR, J.

msv

5. Accordingly, the above civil revision petitions are disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

6. The revision petitioner is directed to deposit the amount ordered by the Trial Court within a period of two weeks from today (15.03.2019). Thereafter, the trial Court is directed to dispose of O.S.Nos.1275 and 1276 of 2006 within a period of six(6) months.

15.03.2019

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Index:Yes/No
Internet:Yes/No
Speaking order: Non-speaking order

To
The learned VI Assistant City Civil Judge,
City Civil Court, Chennai.

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M.P.No.1 of 2009 and M.P.No. 1 of 2009