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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P (NPD) No.2183 of 2015
and M.P No.1 of 2015

Rani George

... Petitioner/Defendant

Vs.

M/s.ecoMED Technologies Pvt. Ltd.,
Rep. by its Asst. Manager
Mr.K.Koteeswaran
Registered office at
2/265, 9th Cross Street
Kandasamy Nagar
Palavakkam
Chennai-600 004.

... Respondent/Plaintiff

Prayer - This Civil revision filed under Section 115 of CPC to allow the revision by setting aside the order and decreetal order dated 20.01.2015 passed in I.A.No.15787/2014 in O.S.No.4082 of 2014 on the file of the VIII Asst. City Civil Court, Chennai.

For petitioner	: Mr.P.B.Ramanujam
For Respondent	: Mr.K.V.Bhashyamchari

O R D E R

The Civil Revision Petition has been filed against the order dismissing the petitioner/defendant's application seeking to leave to defend the suit.

2. The petitioner is a landlord. The respondent/plaintiff has filed a suit in O.S.No.4082 of 2014 before the VIII Assistant City Civil Court, Chennai, seeking for refund of the advance amount on the ground that the petitioner/defendant is the owner of the property and the plaintiff/tenant had vacated the leased premises and the plaintiff has given rental advance of Rs.7,00,000/-. Since the rental advance has not been refunded by the petitioner, the above suit has been filed. In the above suit, the petitioner has filed an application in I.A.No.15787 of 2014 seeking leave to defend the suit. That



application has been dismissed. Now, challenging the same, the present revision has been filed.

3. The trial Court, on considering the application has held that the petitioner/defendant has admitted that he is the owner of the property and the plaintiff/tenant has given rental advance of Rs.7,00,000/- and hence, the suit is maintainable under Order XXXVII Rule 2 of CPC. That apart, a TDS certificate has also been produced by the plaintiff to the defendant. In the above circumstances, the trial Court has dismissed the application on the ground that there is no valid defence available to the petitioner/defendant to defend the suit.

4. I have considered the rival submissions made on either side and perused the records available on record.

5. The petitioner himself has admitted the receipt of rental advance paid by the respondent and she has also received a TDS certificate from the respondent. There is no valid defence available for him in the suit and the trial Court considering the same has rightly dismissed the said application. In the above circumstances, there is no illegality or infirmity in the orders passed by the trial Court and I find no merits in the revision petition and the same is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
The VIII Assistant Judge,
City Civil Court, Chennai.

+2 ccs to Mr.K.V.bhashyamchari Advocate sr8244
+1 cc to Mr.P.B.Ramanujam Advocate sr8916

C.R.P.NPD.No.2183 of 2015
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