



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (NPD) (MD) No.426 of 2012

and

M.P. (MD) No.1 of 2012

1.P.Priyadharsini

2.K.Perumal

: Petitioners/Defendants

.. Vs ..

Canara Bank having its Head Office
at Bangalore, Karnataka State and
one of its branches at Gnanaolivupuram,
Madurai represented through its
Manager : Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the
Constitution of India, praying to strike off the plaint in
O.S.No.425 of 2011 pending on the file of the Principal
Subordinate Court at Madurai by allowing the present Civil
Revision Petition.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.R.Pandivel

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ORDER

The defendants in the suit in O.S.No.425 of 2011 on the file
of the Principal Subordinate Court at Madurai, are the revision
petitioners. The revision petition is filed to strike off the
plaint in O.S.No.425 of 2011.

2.The suit in O.S.No.425 of 2011 was filed by the respondent
bank for recovery of a sum of Rs.3,03,114/- with subsequent
interest at the rate of 11.75% per annum from the date of plaint.
The first petitioner is the daughter of the second petitioner.
The loan was sanctioned for the first petitioner to join in a
professional course in Bachelor of Physiotherapy at Sri
Ramakrishnan College of Paramedical Science, Coimbatore. The
loan was sanctioned in 2004 and the repayment of loan commences 12
months after the completion of the course. Though the rate of
interest is only 10.75% per annum, it is stated in the plaint that
the petitioners had not paid any amount till the suit is filed.



In the written statement filed by the petitioners before the lower Court, the loan transaction as such is not disputed. Contrary to the loan agreement signed by the petitioners, several other grounds were raised by relying upon certain circulars regarding relaxation of repayment of educational loan. In the written statement, it is stated that a sum of Rs.4,000/- is paid towards the loan account. Except stating that the first petitioner is yet to get employment, no other defence is taken in the written statement.

3. Quite surprisingly the petitioners have filed the above Civil Revision Petition to drag on the suit in O.S.No.425 of 2011 mainly on the ground that the repayment commences only from the month of September, 2011. Absolutely, no valid defence is taken to defend the suit. No other ground is also raised questioning the jurisdiction of the Court or about the maintainability of the suit. In such circumstances, this Court is of the view that the Civil Revision Petition is filed with ill-motive to delay the recovery process by preventing the suit being tried on merits. The conduct of the petitioners shows how they are unreasonable. Having regard to the facts and circumstances of this case, this Court is inclined to dismiss this Civil Revision Petition with cost. Accordingly, this Civil Revision Petition is dismissed with a cost of Rs.10,000/- (Rupees Ten Thousand only) payable to the Curator, Gandhi Museum, Thamukkam, Madurai, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. The trial Court is directed to dispose of the suit within three months from the date of receipt of copy of this order.

4. Post this matter for compliance after two weeks from the date of issue of this order.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

The Manager,
Canara Bank having its Head Office
at Bangalore, Karnataka State and
one of its branches at Gnanaolivupuram,
Madurai



2. The Curator,
Gandhi Museum,
Thamukkam, Madurai

+1 CC to M/s.R.PANDIVEL, Advocate (SR-9654[F] dated 02/03/2020)

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-9903[F] dated
03/03/2020)

C.R.P (PD) (MD) No. 426 of 2012
02.03.2020

SE (CO)
TR (23.03.2020) 3P 5C