



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P.(PD) No.560 of 2021

and

C.M.P.No.4770 of 2021

S.Sreejeth

...Petitioner / Petitioner / Defendant

Vs

M/s.Amaravathi Finance and Investments

By its Proprietor Mr.Radhakrishnan

...Respondent / Respondents / Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.03.2020 in I.A.No.1 of 2019 in O.S.No.5884 of 2019 on the file of the XIV Assistant City Civil Court, Chennai and consequently allow the I.A.No.1 of 2019 as prayed for.

For Petitioner : Mr.K.Kumaraguruparan
for T. Saikrishnan

For Respondent : Mr.B.Dinesh Kumar

ORDER

The defendant in O.S.No.5884 of 2019 now pending on the file of the XIV Assistant City Civil Court, Chennai, is the revision petitioner herein. O.S.No.5884 of 2019 had been filed under Order XXXVII of CPC, instituting the suit on summary procedure on the basis of a promissory note executed by the revision petitioner. The promissory note was to the value of Rs.4,00,000/-.

2.In that particular suit, the revision petitioner herein filed an application under Order XXXVII Rule 5 of CPC seeking the relief to defend the suit. That Application came to be dismissed by order dated 17.03.2020. Questioning that particular order, the present Civil Revision Petition has been filed.

3.The learned counsel for the revision petitioner stated that the revision petitioner would deposit a sum of RS.2,00,000/- to the credit of O.S.No.5884 of 2019 and stated



that on the strength of such deposit, leave to defend may be granted and also further assured that if the suit is taken up for trial and if the plaintiff grazes the witness box, then the defendant would not protract trial and ensure that the trial is completed within a period of two months from the first date of commencement of trial.

4.Mr.B.Dinesh Kumar, learned counsel for the respondent / plaintiff, however stated that with interest, the amount due comes to more than about Rs.6,00,000/- and that the deposit of Rs.2,00,000/- would not even be 50% of the claim. The learned counsel placed a caveat, that permission may be granted for the respondent / plaintiff to withdraw 50% of the amount so offered to be deposited by the revision petitioner / defendant.

5.Having heard both the learned counsels, I would issue the following directions:-

(i)Let the defendant in O.S.No.5884 of 2019, S.Sreejeth be directed to deposit a sum of Rs.2,00,000/- to the credit of O.S.No.5884 of 2019 on or before 29.07.2021.

(ii)If such deposit is made, the learned XIV Assistant Judge, City Civil Court Chennai, may grant permission to the defendant to file written statement. However, the said written statement should be filed on or before 26.08.2021.

(iii).Thereafter, the learned Judge, may post the matter in the Special List in the month of October 2021 and from the first date of commencement of trial ensure that the trial is completed within a period of two months thereafter.

6.If any Application is filed by the plaintiff seeking to withdraw the 50% of the amount deposited, the learned Judge may examine the same on the basis of the averments made in the affidavit and the averments made if any, in any counter affidavit filed by the defendant. At any rate, such Application if made should be disposed of prior to fixing the suit for trial in the month of October 2021.

7.Without examining the orders on merits, giving a privilege to the learned XIV Assistant Judge, City Civil Court Chennai, to examine the issues raised on merits, the Civil Revision Petition itself disposed of with the above observations. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To,

The XIV Assistant City Civil Court, Chennai.

+1cc to Mr.T.Saikrishnan, Advocate, S.R.No.32201

+1cc to Mr.B.Dineshkumar, Advocate, S.R.No.32185

C.R.P.PD.No.560 of 2021

GSM(CO)

RVM(20/07/2021)