

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.1353 of 2017 and
CMP.No.6350 of 2017

1. Media One Global Entertainment Ltd
Rep. by its Director,
Dr. Murali Manohar,
No.26, Razia House,
Saraswathi Street,
Mahalingapuram,
Chennai-34
2. Dr. Murali Manohar ..Petitioners

Vs.

Deepika R. Jain ..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 20.10.2016 passed by the XI Assistant City Civil Court, Chennai in IA.No.12001 of 2016 in OS.No.3577 of 2016.

For Petitioners : Mr.P.Sesubalan Raja

For Respondent : Mr.T.Srikanth

ORDER

This civil revision petition is filed against the fair and decretal order dated 20.10.2016 passed by the XI Assistant City Civil Court, Chennai in IA.No.12001 of 2016 in OS.No.3577 of 2016, thereby dismissing the petition to leave to defend.

2. The petitioners are the defendants in the suit filed by the respondent for recovery of money on pronote. According to the respondent, the petitioners approached the respondent on 27.05.2013 for a loan of Rs.2,50,000/- along with their financial agent, Kwarat Associates. The respondent had lent a sum of Rs.2,50,000/- and on receipt of the same, the petitioners executed pronote on 27.05.2013. Thereafter the petitioners paid interest upto 27.05.2015. While being so, the petitioners engaged their financial agent, Kwarat Associates with instruction to pay payment to the creditors from whom the said Kwarat Associates had arranged finance to the defendants. Accordingly, the petitioners through their bank, i.e. Indian Overseas Bank had sent a sum of Rs.8,00,000/- to the their finance agent, in turn the finance agent had issued cheque towards the part payment to the loan borrowed by the petitioners on 06.07.2013. Thereafter, the petitioners are due to the tune of balance amount. Hence, the suit.

3. Whereas the petitioners filed petition to leave to defend on the ground that they never engaged finance agent, Kawarat Associates with instruction to pay the loan amount to their creditors. Further, there is absolutely no proof to show that the petitioners arranged finance through their bank, Indian Overseas Bank and had sent a sum of Rs.8,00,000/- to their financial agent. In fact, even according to the respondent, the financial agent sent a letter on 06.07.2013 to the respondent. Therefore, there is no evidence produced by the respondent to show that the petitioners engaged their finance agent to settle the amount to their creditors. However, the petitioners never denied the execution of pronote since they categorically stated that the petitioners had borrowed a sum of Rs.2,50,000/- from one Parag P.Jain, one of the family members of the respondent on 28.05.2013 for some urgent needs. He, taking undue advantage of the petitioners' issues, had obtained their signature in several unfilled printed pronotes. Besides, the said Parag P.Jain had obtained several blank cheques from them. Therefore, there are several issues triable before the trial court and the petitioners have defence to defend the suit.

4. In view of the above discussion, this civil revision petition is allowed and the order dated 20.10.2016 passed by the XI Assistant City Civil Court, Chennai in IA.No.12001 of 2016 in OS.No.3577 of 2016 is set aside on condition that the petitioners shall deposit 50% of the pronote amount in the suit to the credit of the suit in OS.No.3577 of 2016 within a period of six weeks from the date of receipt of copy of this order, failing which the order passed by this Court shall stand automatically cancelled. On such deposit, the trial court is directed to dispose of the suit in OS.No.3577 of 2016 within a period of six months thereafter. Consequently, connected miscellaneous petition is closed. No order as to costs.

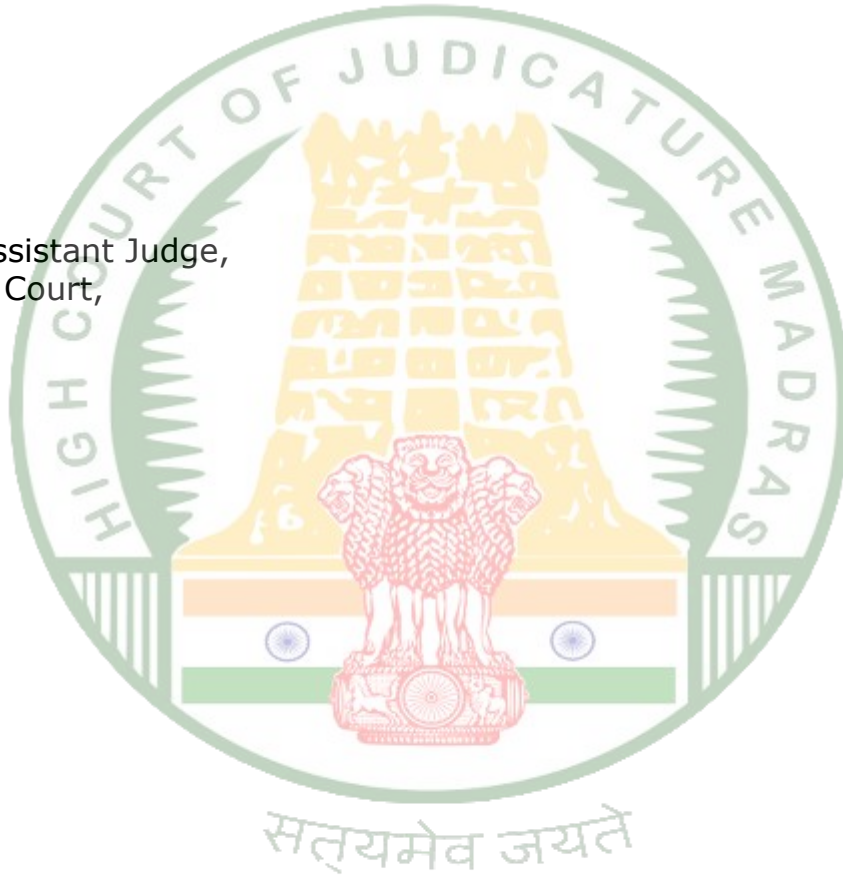
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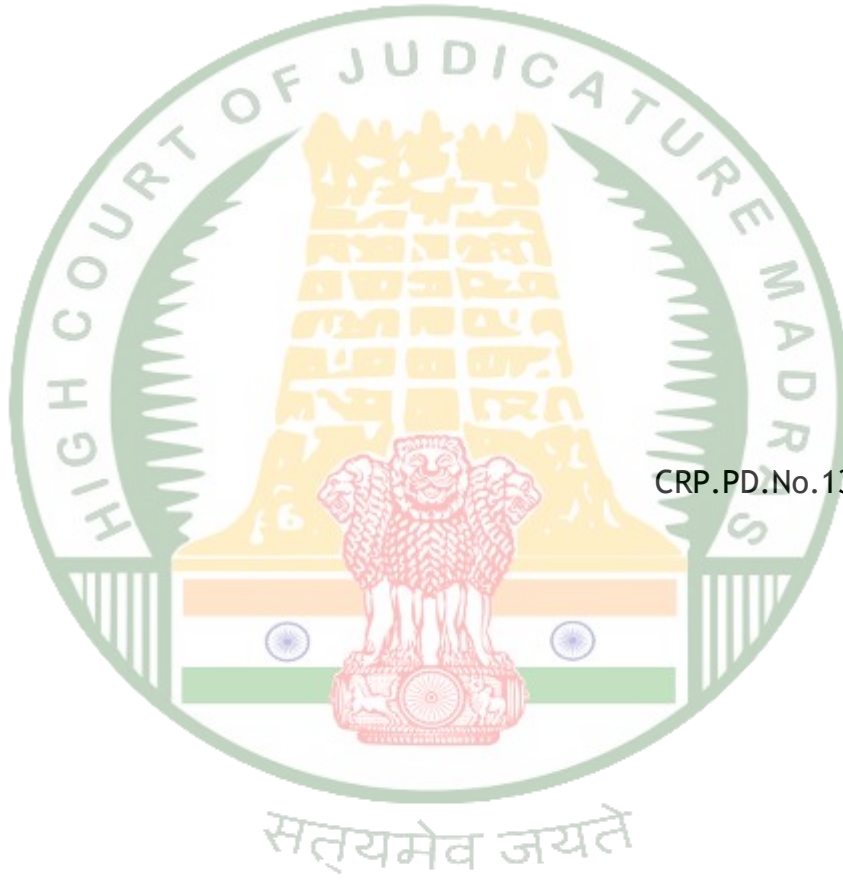
The XI Assistant Judge,
City Civil Court,
Chennai



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G.K.ILANTHIRAIYAN,J.

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