



C.R.P.No.3500 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3500 of 2022

and

C.M.P.No.18633 of 2022

Srividhya Balaji

... Petitioner

Vs.

Saravanan Ramamoorthy

... Respondent

PRAYER: Civil Revision Petition under Section 115 of the C.P.C to set aside the order dated 14.09.2022 filed by the respondent pending on the file of the XII Assistant City Civil Court, Chennai in I.A.No.3 of 2021 in O.S.No.4612 of 2020.

For Petitioner : Mr.Thriyambak J.Kannan

For Respondent : Mr.L.Sunil for Caveator

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Court below allowing an application filed by the respondent/defendant seeking leave of the Court to defend the summary suit.



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2. The petitioner herein filed a suit for recovery of a sum of Rs.1,73,050/-.

According to the petitioner/plaintiff, she paid a sum of Rs.1,50,000/- to the respondent by way of cheque and the respondent failed to repay the same.

3. The respondent herein filed a petition seeking leave of the Court to defend the suit on the ground that he has not received any loan amount from the petitioner. It was also stated by the respondent that the petitioner is the wife of the Senior Managing Director of the company in which he has been working as a Deputy Manager (Marketing). It was further submitted that the amount referred in the plaint was paid towards the sales incentive bonus for the service rendered by him.

4. When the respondent/defendant comes up with a specific defense that there was no loan transaction between the petitioner and the respondent as alleged, merely because the petitioner paid the amount to the respondent by way of cheque, it cannot be presumed it was a loan transaction. Whether the amount paid under the cheque referred in the plaint was towards a loan transaction or some other transaction is a matter to be decided in a full fledged trial. Hence I do not find any illegality or irregularity in the order passed by the Court below. Therefore, the Civil Revision Petition is dismissed.



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5. The learned counsel for the petitioner made a request to the Court that a time may be fixed for the disposal of the suit. This is a simple suit for recovery of money filed as a summary suit. This Court is inclined to issue a direction to the Court below to dispose of the suit within a period of three(3) months from the date of receipt of copy of this order. No costs. Consequently connected miscellaneous petition is closed.

04.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
jai

To
The XII Assistant City Civil Court,
Chennai.



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S.SOUNTHAR, J.

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