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C.R.P.No.1442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.No.1442 of 2023

and

C.M.P.No.9673 of 2023

C.Ramani

.. Petitioner

Versus

P.R.Santharam Sah

.. Respondent

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 19.09.2022 made in I.A.No.04 of 2022 in O.S.No.2481 of 2020 on the file of the XXII Additional City Civil Court at Allikulam, Chennai.

For Petitioner : Mr.V.Rajesh

For Respondent : Mr.T.S.Raja Mohan



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ORDER

This Civil Revision Petition has been filed against the fair and final order dated 19.09.2022 passed in I.A. No. 04 of 2022 in O.S. No. 2481 of 2020 on the file of the XXII Additional City Civil Court at Allikulam, Chennai, by which the petition filed by the revision petitioner-defendant to grant leave to defend the suit was dismissed.

2. The respondent herein, as plaintiff, has filed the suit in O.S. No. 2481 of 2020 under Order 37 Rule 1 and 2 of Civil Procedure Code, for recovery of a sum of Rs.23,08,200/- together with interest at the rate of 36% per annum and to direct the defendant to continue to pay interest at the rate of 18% per annum on the principal sum of Rs.12,00,000/- from the date of plaint until realization.

3. On notice, the revision petitioner-defendant has filed the instant application in I.A. No. 4 of 2022 seeking leave to defend the suit. According to the revision petitioner, the plaint averments are not correct and that the plaintiff did not take into account the various amount he has paid to him.



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5. Today, when this revision petition is taken up for hearing, the learned counsel for the revision petitioner-defendant fairly submitted that the revision petitioner-defendant is willing to pay Rs.20,00,000/- provided he is given time to repay it in instalments. In other words, it is submitted that the entire amount of Rs.20,00,000/- will be paid in four instalments on or before 28.02.2024. The learned counsel for the respondent-plaintiff also agreed for the same and that if the defendant pays the amount in four instalments, on or before 28.02.2024, he will even withdraw the suit. However, if the defendant fails to pay the amount, liberty may be given to the respondent-plaintiff to proceed further with the suit before the trial Court.



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6. In the light of the above submissions, this Civil Revision Petition is disposed of. The revision petitioner-defendant is permitted to pay Rs.20,00,000/- to the respondent-plaintiff in four equal instalments on or before 28.02.2024. In the event of failure to repay the amount before the said date, it will be open to the respondent-plaintiff to proceed with the suit on merits. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.08.2023

kv

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The XXII Additional City Civil Court at Allikulam,
Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN,J.

Kv

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