



C.R.P.No.1197 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1197 of 2014
and MP.No.1 of 2014

1.R.Senthilkumar
2.Premalatha

... Petitioners

Vs.

M/s.Corporation Bank,
Erode Branch, rep. by its Chief Manager,
No.279, Gandhiji Road,
Erode.

... Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, against the Petition and Order dated 31.10.2013 made in I.A.No.372 of 2013 in O.S.No.203 of 2012 on the file of the Subordinate Court, Erode.

For Petitioners : Ms.D.Kamatchi

For Respondent : Mr.Senthil Kumar
for Mr.S.Sethuraman



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ORDER

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This civil revision petition arises against a conditional order passed in I.A.No.372 of 2013 in O.S.No.203 of 2012, on the file of the Subordinate Court, Erode.

2.The suit has been filed for foreclosure, on the basis of the mortgage executed by the civil revision petitioners, in favour of the respondent. This ended in an exparte preliminary decree on 04.10.2012. An application was filed to condone the delay in setting aside the exparte preliminary decree in I.A.No.372 of 2013. The said application was allowed on the condition the petitioner deposits a sum of Rs.2,00,000/- as a condition to condone the delay. Pleading that this condition is onerous, the present civil revision petition has been filed.

3.Heard Ms.D.Kamatchi, learned counsel appearing for the petitioners and Mr.Senthil Kumar, learned counsel for Mr.S.Sethuraman, learned counsel appearing for the respondent.

4.The relationship between the parties is not in dispute. The petitioners are the mortgagors and the respondent is a mortgagee. The suit has been presented for recovery of a sum of Rs.9,93,492/-. The Court



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below in order to give an opportunity to the petitioners as condoned on the condition that a sum of Rs.2,00,000/- being deposited.

5.Ms.D.Kamatchi would submit that when the revision came up for admission, this Court had directed to deposit a sum of Rs.1,00,000/- within a period of three (3) weeks on 25.03.2014. She states that the said amount has been deposited.

6.In the light of the deposit made by the petitioners in compliance of the order of this Court, I am inclined to modify the order dated 31.10.2013 by directing the petitioners to deposit a further sum of Rs.50,000/- as a condition to condone the delay. The said deposit shall be made within a period of eight (8) weeks from today i.e., on or before 10.11.2023. On such deposit, the learned Judge is requested to take up the application under Order 9 Rule 13 of the Code of Civil Procedure and allow the same.

7.The petitioners are granted six (6) weeks time to file their written statement from the date on which the exparte decree is set aside. It is made clear that if the petitioners do not deposit a sum of Rs.50,000/- as



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per orders passed today, or fails to file the written statement within a period of six (6) weeks, this civil revision petition shall stand dismissed.

8.This civil revision petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

vs

To

The Subordinate Court,
Erode.



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V.LAKSHMINARAYANAN,J.

VS

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