



C.R.P. No. 1195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.04.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 1195 of 2023

and

C.M.P.No.8212 of 2023

R. Subramani

...Petitioner

.Vs.

M. Kannan

..Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 01.10.2021 passed in I.A.No.144 of 2021 in O.s.No.245 of 2017 on the file of the Sub Court, Kangayam, Tiruppur District and pass orders.

For Petitioner : Mr. R. Kannan for V. Regunathan

For Respondent : Mr.N. Manoharan



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C.R.P. No. 1195 of 2023

ORDER

This petition is filed to set aside the fair and decreetal order dated 01.10.2021 passed in I.A.No.144 of 2021 in O.S.No.245 of 2017 on the file of the Sub Court, Kangayam, Tiruppur District.

2. The facts of the case is that the petitioner herein borrowed a sum of Rs.4,50,000/- (Rupees Four Lakhs and fifty thousand only) from the respondent and executed a suit promissory note wherein, he has agreed to pay interest at the rate of 12% per annum. Thereafter, the petitioner neither paid the interest nor the principal, due to which the respondent herein instituted a suit in O.S.No.151 of 2016 for recovery of money, which was decreed ex-parte. Aggrieved over the same, the petitioner herein has filed I.A.No.144 of 2021 for setting aside the ex-parte decree which was allowed on 01.10.2021 subject to the condition that the petitioner was directed to pay cost of Rs.500/- and the petitioner failed to pay the same, due to which the I.A. was automatically dismissed. Hence this petition.



C.R.P. No. 1195 of 2023

3. The learned counsel for the petitioner submitted that due to corona pandemic he was unable to comply with the orders passed in I.A.No.144 of 2021. Hence he prays this Court to allow this petition.

4. On a perusal of records, it is seen that the suit is of the year 2017 and the same is filed for recovery of money from the petitioner herein and the petitioner herein has not come forward neither to contest the case nor to settle the issue. Hence, the petitioner herein is directed to deposit 50% of the amount i.e., Rs.2,00,000/- to the credit of O.S.No.245 of 2017 in Sub Court, Kangayam, Tiruppur District within a period of four weeks from the date of receipt of a copy of this order, failing which the petitioner will lose his right to proceed the case further.

5. In view of the above, the learned Judge, Sub Court, Kangayam, Tiruppur District is directed to dispose of the suit O.S.No.245 of 2017 within a period of one year from the date of payment made by the petitioner.



C.R.P. No. 1195 of 2023

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6. With the above directions, this Civil Revision Petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

04.08.2023

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Index : Yes/No

Internet: Yes/No



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C.R.P. No. 1195 of 2023

V.BHAVANI SUBBAROYAN,J.
Smn

To.

1. The Sub Court, Kangayam, Tiruppur District

C.R.P. No. 1195 of 2023

and

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