



C.R.P.No.4029 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4029 of 2022

and

C.M.P.No.20896 of 2022

1.T.Rama

2. Varun Srinivasan

..

Petitioners

Vs

1.K.Vasudevan

2.Sabarinathan

..

Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the order dated 25.08.2022 passed by the Learned VI Additional District Judge at Chennai in I.A.No.4/2020 in O.S.No.1855 of 2019.

For Petitioners : Mr.S.Sathyaraj

1 / 6



C.R.P.No.4029 of 2022

For respondents : Mr.M.D.Dharanidharan for
Mr.S.P.Vijayaragavan for R1

ORDER

The present Civil Revision Petition is filed to set aside the order dated 25.08.2022 in I.A.No.4 of 2020 in O.S.No.1855 of 2019.

2. The Revision Petitioner is the defendant in the Original suit instituted by the respondent for recovery of money. The Revision Petitioner/defendant was set ex-parte. Consequently, the suit was decreed in favour of the plaintiff.

3. The Revision Petitioners/defendants filed an interlocutory application in I.A.No.4 of 2020 to condone the delay of 97 days for setting aside petition O.S.No.1855 of 2019 to set aside the ex-parte decree dated 25.08.2022. The trial court dismissed the interlocutory application and thus, the petitioner is constrained to move the present civil revision petition.

4. In respect of meagre delay in filing applications, the courts



C.R.P.No.4029 of 2022

normally take lenient view. All suits are to be adjudicated on merits and in accordance with law. No doubt, enormous delay in filing a petition to set aside the ex-parte decree cannot be condoned in a routine manner. However, the delay of 97 days in filing interlocutory application cannot be construed as enormous so as to deprive the opportunity of revision petitioners to adjudicate the issue on merits and in accordance with law.

5. In the present case, the learned counsel for the respondents raised an objection by stating that the petitioners have involved in financial scams and cheated several persons in that locality however those issues are to be adjudicated in the suits and this Court cannot consider the allegation set out in the complaint or the defence taken in the written statement. In view of the fact that several serious allegations are raised against the revision petitioners, this Court thought fit directing the revisions petitioners to deposit a sum of Rs.10,00,000/- in the credit of O.S.No.1855 of 2019 so as to establish their bonafides. In view of the facts and circumstances, the order dated 25.08.2022 passed in I.A.No.4 of 2020 in O.S.No.1855 of 2019 is set aside



C.R.P.No.4029 of 2022

upon a condition to deposit a sum of Rs.10,00,000/- in the credit of O.S.No.1855 of 2019 on the file of the VI Additional District Court at Chennai within a period of four (4) weeks from the date of receipt of a copy of this order, failing which, the interlocutory application filed in I.A.No.4 of 2020 in O.S.No.1855 of 2019 stands dismissed automatically.

6. Accordingly, the Civil Revision Petition stands allowed. However, there will be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

10.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation:Yes/No

nhs

Copy to:

Learned VI Additional District Judge,
Chennai



WEB COPY



C.R.P.No.4029 of 2022



WEB COPY



C.R.P.No.4029 of 2022

S.M.SUBRAMANIAM, J.

nhs

C.R.P.No.4029 of 2022
and
C.M.P.No.20896 of 2022

10.01.2023