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CRP. No. 4148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4148 of 2023
& CMP No. 25296 of 2023

Chitra Balasubramaniam

...Petitioner

Vs.

A.L. Ganesh kumar

....Respondent

PRAYER : This petition filed under Article 227 of the Constitution of India, to allow the captioned Revision petition, modifying the fair and decreetal order dated 20.09.2023 passed in I.A No. 2 of 2023 in O.S No. 1432 of 2023, on the file of XXI Additional City Civil court, Allikulam, Chennai.

For Petitioner : Mr.P.M.Gopalakrishnan

For Respondent: Not appeared

ORDER

Challenging the impugned order dated 20.09.2023 passed in I.A No. 2 of 2023 in O.S No. 1432 of 2023 on the file of XXI Additional City Civil Court, Allikulam, Chennai, the petitioner filed this petition.

2. The petitioner herein filed I.A No. 2 of 2023 in O.S No. 1432 of



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2023 on the file of XXI Additional City Civil Court, Allikulam, Chennai, to grant unconditional leave to defend the suit. After considering the submissions on either side the court below allowed the said petition with the condition to deposit a sum of Rs. 5,00,000/- to the credit of the suit within a period of one month from the date of the order. Challenging the same the petitioner filed this petition.

3. The learned counsel for the petitioner submits that as per the terms of the lease agreement the petitioner herein paid a sum of Rs. 5,00,000/- as lease amount though he handed over the key to the respondent. Thereafter the petitioner filed a suit for recovery of lumpsum lease amount of Rs. 5,00,000/- from the respondent in O.S No. 8779 of 2019 and the same was allowed. While being so, the respondent filed suit in O.S No. 1432 of 2023 for recovery of money from the petitioner, in which, the petitioner herein filed a petition in I.A No. 2 of 2023 in O.S No. 1432 of 2023 to grant unconditional leave to defend the suit but without considering the above the Court allowed the petition with condition to pay a sum of Rs. 5,00,000/- as conditional order. Hence he prays to allow this petition.

4. Considering the fact of the case, it reveals that the petitioner filed



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the suit against the respondent for recovery of money a sum of Rs. 5,00,000/- and the same was allowed. In the meanwhile, the respondent filed suit against the petitioner, in which, the petitioner filed I.A No. 2 of 2023 to grant unconditional leave to defend the suit but without considering the previous suit the court below allowed the said application with condition to deposit a sum of Rs.5,00,000/- as such is unjustifiable, which cause great hardship to the petitioner. Hence, the order passed by the Court below in I.A No. 2 of 2023 in O.S No. 1432 of 2023 with condition is set aside.

5. In result, this Civil Revision petition is allowed. No cost. Consequentially, connected miscellaneous petition is closed.

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T.V.THAMILSELVI,J.

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To

1. The XXI Additional City Civil Court, Allikulam, Chennai.

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