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C.R.P.(NPD) Nos.3471, 3472, 3473 & 3474 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)Nos.3471, 3472, 3473 & 3474 of 2017
and C.M.P.Nos.16145, 16146, 16147 & 16148 of 2017

Media One Global Entertainment Limited
Rep. by its Director
No.26/13, Razia House,
Saraswathy Street,
Mahalinghapuram,
Chennai-600 034

... Petitioner in all CRPs

vs.

- 1.Prakashmal and sons HUF
Rep by its Manager & Kartha
Prakashmal Jain
No.1088, Poonamallee High Road
Vimalachal Apartments
Vepry, Chennai-600 007. ... R1 in CRP.3471 of 2017
- 2.Parag P.Jain ... R1 in CRP.3472 of 2017
- 3.Minal V.Shah ... R1 in CRP.3473 of 2017
- 4.Swathi A.Shah ... R1 in CRP.3473 of 2017
- 5.J.Muralimanohar ... R2 in all CRPs



C.R.P.(NPD) Nos.3471, 3472, 3473 & 3474 of 2017

Prayer in CRP(NPD)No.3471 of 2017: Petition filed under Article 227 of the Constitution of India against the decreetal and fair order dated 24.10.2016 made in I.A.No.12458 of 2016 in O.S.No.3055 of 2016 on the file of the XI Asst. Judge, City Civil Court, Chennai,

Prayer in CRP(NPD)No.3472 of 2017: Petition filed under Article 227 of the Constitution of India against the decreetal and fair order dated 24.10.2016 made in I.A.No.12461 of 2016 in O.S.No.3058 of 2016 on the file of the XI Asst. Judge, City Civil Court, Chennai,

Prayer in CRP(NPD)No.3473 of 2017: Petition filed under Article 227 of the Constitution of India against the decreetal and fair order dated 24.10.2016 made in I.A.No.12462 of 2016 in O.S.No.3060 of 2016 on the file of the XI Asst. Judge, City Civil Court, Chennai,

Prayer in CRP(NPD)No.3474 of 2017: Petition filed under Article 227 of the Constitution of India against the decreetal and fair order dated 24.10.2016 made in I.A.No.12852 of 2016 in O.S.No.3059 of 2016 on the file of the XI Asst. Judge, City Civil Court, Chennai,

(In all CRPs)

For Petitioner: Mr.T.T.Ravichandran

For Respondents: Mr.T.Srikanth (for R1)



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COMMON ORDER

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2.I have heard Mr.T.T.Ravichandran, learned counsel appearing for the petitioner and Mr.T.Srikanth, learned counsel appearing for the first respondent.

3.This is an application for leave to defend the suit and in such a suit, unless and until the defence is absolutely moonshine, the parties are entitled to defend the suit by grant of leave. Therefore, the judgment of the Supreme Court in *Mechelec Engineers and Manufacturers v. M/s.Basic Equipment Corporation (1976 SCC (4) 687)*, held that unless and until the defence is absolutely untenable, leave should not normally granted. Here is the case where the transaction in favour of the plaintiff have all been by way of bank transfer.

4.The defendant disputes only the interest amount payable, but has not disputed the principal. Therefore, I feel interest of justice will be served, if the defendant is directed to deposit the principal amount in



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each of the suits to the credit of respective cases. On such deposit, leave to defend applications are allowed. The said deposit of the principal amount shall be made within a period of six weeks from the date of receipt of a copy of this order. Thereafter, the defendant is entitled to file a written statement and contest the suit on merits. In case, the principal amounts are not deposited within the aforesaid period, the revisions shall stand dismissed.

5. With the above directions, these Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
vs

To

The XI Asst. Judge,
City Civil Court, Chennai,



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C.R.P.(NPD) Nos.3471, 3472, 3473 & 3474 of 2017

V. LAKSHMINARAYANAN,J.

VS

**C.R.P.(NPD)Nos.3471, 3472, 3473 & 3474 of 2017
and C.M.P.Nos.16145, 16146, 16147 & 16148 of 2017**

13.07.2023