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C.R.P.No.4708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

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

C.R.P.No.4708 of 2023

and

C.M.P.No.27963 of 2023

S.Mariappan

... Petitioner

-Vs-

1. L.Poongothai

2. Yuvanesh

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 11.09.2023 made in I.A.No.1 of 2023 in O.S.No.7842 of 2022 on the file of II Addl. City Civil Court, Chennai.

For Petitioner : Mr.R.Ragavendran

ORDER

Challenging the impugned order passed in I.A. No. 1 of 2023 in O.S.No.7842 of 2022, passed by the learned II Addl. Judge, City Civil



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Court, Chennai, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the respondents/defendants filed an application in I.A.No.1 of 2023 praying to grant leave to them to defend the suit in O.S.No.7842 of 2022 and the same was allowed by the trial judge by imposing certain conditions, but not directed the defendants to deposit the admitted amount. Aggrieved over the same, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that while allowing the application in favour of respondents/defendants by granting leave, the trial judge ought to have imposed a condition to deposit some amount, which was admitted by them. However, in the affidavit filed by the respondents/defendants, they have also not denied the issuance of cheque. Therefore, they impliedly admitted the claim made by them. Accordingly, the Revision Petitioner seeks permission to direct the respondents/defendants to deposit a sum of Rs.10,00,000/-.



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5. Records perused. On perusal of entire facts, it reveals that plaintiff and one Krishnakumar are friends and they said to have conducted gold chit fund and now, the said Krishnakumar was passed away. His wife and sons are the defendants, against whom, the plaintiff filed a suit for recovery of money. The wife of deceased totally denied the claim as well as contended that the documents are fake and fabricated by the revision petitioner/plaintiff for unlawful gain. Therefore, there is no admission of the suit claim as claimed by the revision petitioner. Hence, the order passed by the trial judge is justifiable one, which needs no interference. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

20.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

The II Addl. Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

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