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C.R.P.(NPD)No.3615 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.3615 of 2019

and

C.M.P.No.23663 of 2019

K.Ezhil Sezhian

.. Petitioner

VS

K.C.Kumar Raja

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and decreetal order of dismissal passed in I.A.No.199 of 2015 in O.S.No.4667 of 2015 by XV Additional City Civil Judge at Chennai, dated 10.12.2015.

For Petitioner : Mr.K.Harikrishnan

For Respondent : Mr.C.Krishnamoorthy

ORDER

O.S.No.4667 of 2015 is a summary suit. It is based on a promissory note of Rs.13,00,000/- executed by the civil revision



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petitioner in favour of the respondent. The document was executed in August 2012, to be repaid on demand with interest at the rate of 18% per annum. The issuance of the promissory note is not in dispute.

2.The learned counsel appearing for the petitioner would submit that while the execution of the document is not denied, he would state that the petitioner and the respondent being partners in a Film business had several financial arrangements between them. One such financial arrangement was execution of the demand promissory note towards security for raising of loans from third parties.

3.It is a categorical case that though the document was executed, no money was transferred under the said document. It is pertinent to point out that this defence was not pleaded at any point of time in his application in I.A.No.199 of 2015 before the trial Court.

4.However, the plea that he has taken is that the demand promissory note of such high value was not reflected in the statement of accounts that has been maintained by the plaintiff.

5.The grant of leave was stiffly opposed by the plaintiff and I.A.No.199 of 2015 was dismissed on 10.12.2015. In pursuance thereof, an Execution Petition was filed in E.P.No.2514 of 2016 and the learned counsel for the decree holder would bring to my notice that warrant of



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arrest has also been issued.

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6.Considering the fact that some tenable issue has been raised though not an iron cast case for defence for grant of leave, I am inclined to grant leave on the condition that the judgment debtor deposits 50% of the decree amount claimed in the E.P. that is, an amount of Rs.12,13,150/- to the credit of O.S.No.4667 of 2015. If the deposit is made within a period of eight (8) weeks from the date of receipt of a copy of this order, I.A.No.199 of 2015 will stand allowed. If the deposit is not made, the Civil Revision Petition stands dismissed.

7.With the above directions, this civil revision petition is allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

21.08.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

rjr/vs

To

The XV Additional City Civil Court,
Chennai.



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V. LAKSHMINARAYANAN,J.

rjr/vs

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