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C.R.P. (PD) .No.775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.(PD).No.775 of 2024

and

C.M.P.Nos.3821 & 6308 of 2024

P.C.Choudhry & Sons,
rep. by its Kartha Mr.Padamchand Choudhary,
“Gaurav Vara”,
No.32, New Avadi Road,
Kilpauk Garden, Kilpauk,
Chennai – 600 010.

.. Petitioner

Vs.

S.Sekar

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the entire proceedings in O.P.No.2 of 2022 on the file of IX Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.S.Kamadevan



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ORDER

This Civil Revision Petition has been filed to strike off the entire proceedings in O.P.No.2 of 2022 on the file of the IX Assistant City Civil Court, Chennai.

2.The respondent herein had filed suit in O.P.No.2 of 2022 before the designated Court under the provisions of the Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003. The contention of the petitioner is that the provisions under Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003, is not sustainable. Further, the petitioner had not claimed any abnormal interest rate so as to be called as Kanthu Vatti, Meter Vatti, Daily Vatti. For the purpose of sustaining the claim, the respondent has made such false allegations and filed a suit. He further submitted that the respondent herein does not dispute the availing of loan of Rs.75,00,000/- (Rupees Seventy Five Lakhs Only) from the petitioner and he also claims as though he has repaid a sum of Rs.44,05,000/- (Rupees Forty Four Lakhs and Five Thousand Only), which is disputed.

3.Likewise, the respondent further submitted that the petitioner has



charged exorbitant rate of interest and he is ready to pay simple interest at 9% per annum. The demand of interest based on the mortgage is on own terms of the petitioner is not correct. The respondent now camouflage the conditions of the mortgage deed to deny the petitioner of its rightful dues from the respondent. The learned counsel for the respondent submitted that he has taken loan from the petitioner of Rs.75,00,000/- (Rupees Seventy Five Lakhs Only) and this loan was through Bank.

4. Thereafter, the respondent mortgaged the property measuring about 12 acres situated in Kuthiraipalayam Village, Ponneri Taluk, Thiruvallur District, which has been registered as Document No.2932 of 2017. Though it was agreed to pay the mortgage loan by way of EMI, EMI was also not properly paid. EMI was paid properly prior to COVID-19 situation. Due to COVID-19 situation, he was unable to pay EMI immediately. The petitioner using his force, threatening the respondent demanding exorbitant interest. For that reason only he has filed O.P.No.2 of 2022.

5. The learned counsel for the respondent further submitted that the



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pleadings is completed, evidence commenced. The petitioner has to cross examine the respondent. He has got no further witnesses and he would conclude the trial process within a period of two weeks. Learned counsel for the petitioner agreed to the same. Therefore, the suit in O.P.No.2 of 2022 can be concluded within a period of 15 days after the completion of the evidence.

6.Recording the above, this Civil Revision Petition is disposed of. The learned IX Assistant Judge, City Civil Court, Chennai, is directed to conclude the trial in O.P.No.2 of 2022 within one month from the date of receipt of a copy of this order and dispose of the suit in O.P.No.2 of 2022 within a period of 15 days thereafter. Consequently, the connected Miscellaneous Petitions are closed. No costs.

04.04.2024

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Index : Yes / No
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Neutral Citation : Yes / No

M.NIRMAL KUMAR, J.



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To

The IX Assistant Judge,
City Civil Court, Chennai.

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