



C.R.P.No.3186 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3186 of 2024
and C.M.P.No.17044 of 2024

D.Pratish also called,
Pratish Vedhapuddi

... Petitioner

Vs

S.Kalavathy

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Code of Civil Procedure pleased to set aside the order and decreetal order made in I.A. No.3 of 2023 in O.S.No.7787 of 2022 dated 29.01.2024 on the file of the XXIII Additional Judge, City Civil Court, Allikulam at Chennai.

For Petitioner : Mr.R.Thiyagarajan
for Mr.S.Saravana Kumar

For Respondent : Mr.T.Srikanth



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ORDER

This Civil Revision Petition has been filed against the order dated 29.01.2024 passed by the learned XXIII Additional Judge, City Civil Court, Allikulam at Chennai in I.A. No.3 of 2023 in O.S. No.7787 of 2022.

2. When the matter is taken up today for hearing, the learned counsel appearing for the petitioner and the learned counsel for the respondent brought to the notice of this Court an order dated 06.08.2024 passed by this Court in C.R.P.No.2943 of 2024, wherein under the similar set of facts in respect of the petitioner, while setting aside the order passed by the learned XXIII Additional Judge, City Civil Court, Allikulam at Chennai in I.A. No.3 of 2023, this Court, has allowed the leave to defend application on condition that the petitioner/defendant deposits 50% of the decree amount, namely, Rs.64,99,160/- together with interest at the rate of 12% per annum from 21.07.2022 till the date of deposit within four weeks from the date of order i.e. 06.08.2024. Both the learned counsel would pray that a similar order may be passed in this revision petition also.



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3. It is necessary to extract relevant portion of the order dated 06.08.2024

passed by this Court in C.R.P. No.2943 of 2024 as under:

'17.The defence being plausible but not meritorious, at the same time, not being one of moonshine, while setting aside the order of the XXIII Additional City Civil Court, Allikulam at Chennai in I.A. No.3 of 2023, dated 29.01.2024, I am inclined to impose a condition on the defendant. The leave to defend application stands allowed on the condition that the petitioner/defendant deposits 50% of the decree amount namely, Rs.64,99,160/- together with interest at the rate of 12% per annum from 21.07.2022 till the date of deposit within four weeks from today. In case the amount is not deposited, the Civil Revision Petition will stand dismissed without further notice of the Court. It is also made clear that the petitioner/defendant will not be entitled to move any application for extension of time.'

4. Considering the submission made by the learned counsel on both sides and in view of the above order dated 06.08.2024 passed by this Court in similar circumstances in C.R.P.No.2943 of 2024 in respect of the very same petitioner and similar facts, this Court is inclined to allow this petition by setting aside the order dated 29.01.2024 passed by the XXIII Additional City Civil Court, Allikulam at Chennai in I.A. No.3 of 2023 in O.S. No.7787 of 2022.



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5. Accordingly, this Civil Revision Petition stands allowed and the order dated 29.01.2024 passed by the XXIII Additional City Civil Court, Allikulam at Chennai in I.A.No.3 of 2023 in O.S.No.7787 of 2022 is set aside. The leave to defend application stands allowed on condition that the petitioner/defendant deposits 50% of the decree amount namely, Rs.34,61,966.93/- together with interest at the rate of 12% per annum from the date of filing of the suit till the date of deposit within four weeks from today. In case the amount is not deposited, this Civil Revision Petition will stand dismissed without further notice of the Court. It is also made clear that the petitioner/defendant will not be entitled to move any application for extension of time. Consequently, connected miscellaneous petition is closed. No costs.

09.08.2024

Index : Yes / No

Neutral Citation : Yes / No
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To
The XXIII Additional Judge,
City Civil Court, Allikulam,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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and C.M.P.No.17044 of 2024**

09.08.2024