



C.R.P. Nos.3070 & 3083 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. Nos.3070 & 3083 of 2024 and
C.M.P. Nos.16562 & 16645 of 2024

D.Pratish also called,
Pratish Vedhapuddi .. Petitioner in both cases

Versus

Promila Jain .. Respondent in CRP. No.3070 of 2024

Aditya Agarwal .. Respondent in CRP. No.3083 of 2024

Prayer in both cases: Civil Revision Petitions filed under Article 227 of the Constitution of India against the order and decreetal order made in I.A. Nos.3 & 2 of 2023 in O.S. Nos.7792 & 7793 of 2022 respectively dated 29.01.2024 on the file of the XXIII Additional Judge, City Civil Court, Allikulam at Chennai.

For Petitioner in both cases : Mr.R.Thiyagarajan,
for Mr.S.Saravana Kumar

For Respondent in both cases : Mr.S.R.Rajagopal,
Senior Counsel
for Mr.T.Srikanth

COMMON ORDER



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These revision petitions have been filed against the orders both dated 29.01.2024 passed by the XXIII Additional Judge, City Civil Court, Allikulam at Chennai in I.A. Nos.3 & 2 of 2023 in O.S. Nos.7792 & 7793 of 2022 respectively.

2. When these matters are taken up today for hearing, learned counsel appearing for the petitioner and the learned senior counsel for the respondents 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 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 these revision petitions also.

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



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06.08.2024 passed by this Court in C.R.P. No.2943 of 2024 as under:

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'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 both the learned counsel 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 these petitions by setting aside the orders dated 29.01.2024 passed by the XXIII Additional City Civil Court, Allikulam at Chennai in I.A. Nos.3 & 2 of 2023 in O.S. Nos.7792 & 7793 of 2022 respectively.



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5. Accordingly, these revision petitions stand allowed and the orders dated 29.01.2024 passed by the XXIII Additional City Civil Court, Allikulam at Chennai in I.A. Nos.3 & 2 of 2023 in O.S. Nos.7792 & 7793 of 2022 respectively are set aside. The leave to defend applications stand allowed on condition that the petitioner/defendant deposits 50% of the decree amounts namely, Rs.64,99,160/- and Rs.11,83,585/- together with interest at the rate of 12% per annum from the date of filing of the suits till the date of deposit within four weeks from today. In case the amounts are not deposited, these Civil Revision Petitions 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 petitions are closed. No costs.

08.08.2024

vga

To

The XXIII Additional Judge,
City Civil Court, Allikulam,

4/6



Chennai.

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A.D.JAGADISH CHANDIRA, J.

vga

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