



C.R.P.No.3280 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3280 of 2024 and
C.M.P.No.17540 of 2024

1.D.Pratish also called
Pratish Vedhapuddi

2.V.Divya Pradish

... Petitioners

Vs

Manjula N.Shah

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, against the order and decretal order made in I.A.No.2 of 2023 in O.S.No.7791 of 2022 dated 29.01.2024 on the file of the XXIII Additional Judge City Civil Court Allikulam at Chennai.

For Petitioners : Mr.S.Saravanakumar

ORDER

This revision petition has been filed against the order dated 29.01.2024 passed by the XXIII Additional Judge City Civil Court Allikulam at Chennai in I.A.No.2 of 2023 in O.S.No.7791 of 2022.



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2. When the matter was taken up today for hearing, learned counsel appearing for the petitioners 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 first petitioner herein, 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 first petitioner herein deposits 50% of the decree amount 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. The learned counsel for the petitioners would pray that a similar order may be passed in the revision petition also.

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



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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 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 the petition by setting aside the order dated 29.01.2024 passed by the XXIII Additional Judge City Civil Court Allikulam at Chennai in I.A.No.2 of 2023 in O.S.No.7791 of 2022.

5.Accordingly, the 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.2 of 2023 in O.S.No.7791 of 2022 is set aside. The leave to defend applications stand allowed on condition that the petitioners/defendants deposits 50% of the decree amount namely, Rs.21,34,785/- 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 amount is not



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deposited, the Civil Revision Petition will stands dismissed without further notice of the Court. It is also made clear that the petitioners/defendants will not be entitled to move any application for extension of time. Consequently, connected miscellaneous petitions is closed. No costs.

19.08.2024

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation: Yes / No
shk

To

The XXIII Additional Judge,
City Civil Court, Allikulam.



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A.D.JAGADISH CHANDIRA, J.

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