



CRP(MD)No.2610 & 2615 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)Nos.2610 & 2615 of 2024

and

C.M.P(MD)Nos.15071 of 2024, 9918, 9923 & 9406 of 2023

S. Annalakshmi

...Petitioner in both the CRPs.

Vs.

P.Karthikeyan

... Respondent in both the CRPs

PRAYER in C.R.P(MD)No.2610 of 2024: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decreetal order dated 08.07.2022 in I.A.No.02 of 2021 in O.S. No.67 of 2016 on the file of the Additional District and Sessions Court, Srivilliputhur.

PRAYER in C.R.P(MD)No.2615 of 2024: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decreetal order dated 08.07.2022 in I.A.No.03 of 2021 in O.S. No.67 of 2016 on the file of the Additional District and Sessions Court, Srivilliputhur.

For Petitioner : Mr.M.Rajeswari

For Respondent : Mr.A. Sivaji

COMMON ORDER

The issue involved in both Civil Revision Petitions are arising out of the suit filed in O.S.No.67 of 2016 and hence the following common order is passed.

2 (i) The C.R.P.(MD)No.2610 of 2024 is filed to set aside the Fair and Decreetal order, dated 08.07.2022 passed in I.A.No.02 of 2021 in O.S. No.67 of 2016 on the file of the Additional District and Sessions Court, Srivilliputhur.

2 (ii) The C.R.P.(MD)No.2615 of 2024 is filed to set aside the Fair and



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Decreetal order, dated 08.07.2022 passed in I.A.No.03 of 2021 in O.S. No.67 of 2016

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on the file of the Additional District and Sessions Court, Srivilliputhur.

3. In both the Civil Revision Petitions the plaintiff is the respondent herein and the defendant is the revision petitioner herein. For the sake of convenience, the parties are referred to as plaintiff and the defendant as per the ranking stated in the suit.

4. The contention of the plaintiff is that on 12.01.2009 the defendant has borrowed a sum of Rs 2,50,000/- with a promise to repay with accepted rate of interest as Rs.1.50 per month for Rs.100/-. Again, on the same day, she has also received a sum of Rs.2,50,000/- for the same rate of interest. Totally, the defendant had received a sum of Rs.5,00,000/-. Since there is default in repayment, the suit was filed to recover the said amount along with 18% rate of interest. The defendant remained exparte. After considering the pleadings and evidences the suit was decreed in favour of the plaintiff.

5. The defendant had filed I.A.No.02 of 2001 under Section 5 of Limitation Act to condone the delay of 745 days in filing the petition to set aside the exparte decree and also filed I.A.No.03 of 2001 to set aside the exparte decree. In I.A.No.02 of 2021, the Trial Court has passed a conditional order and directed the defendant to pay a sum of Rs.10,000/- as costs and in I.A. No.03 of 2021 to pay a



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sum of Rs.500/- to the District Mediation Centre, Srivilliputtur. Against the same the present Civil Revision Petitions are filed.

6. These Civil Revision Petitions are filed along with condone delay application to condone the delay of 281 days. Since the issue between the parties is only on the interest portion, this Court had condoned the delay of 281 days and directed the register to number the Civil Revision Petition.

7. It is seen the suit was filed for recovery of Rs.5,00,000/- along with the agreed rate of interest. While considering the stay application on 20.09.2024, in order to ascertain the bonafide intention of the defendant / revision petition, this Court directed the defendant / revision petitioner to deposit Rs.2,50,000/-. The revision petitioner had deposited the same on 24.09.2024.

8. Further submitted that the defendant is ready and willing to deposit the balance principal amount of Rs.2,50,000/- and had brought another demand draft dated 09.10.2024. Hence the defendant is directed to deposit the same to the credit of O.S.No.67 of 2016 on the file of the Additional District and Sessions Court, Srivilliputtur.

9. Now the interest portion alone is pending. The plaintiff demanded 12% interest, but the contention of the defendant is that already the defendant is burdened with another loan and hence prayed to impose reasonable interest. Hence



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the parties were directed to submit the calculation sheet calculating rate of interest at 6% and 7% and the same was submitted. After hearing the rival contentions and after perusing the calculation this Court is of the considered opinion that 7% would be the reasonable interest. Then for 7% interest the defendant is liable to pay (*)Rs. 5,53,257/- and the interest is calculated from 01.11.2024 to 20.11.2024.

(*)"10.The learned Counsel appearing for the revision petitioner submitted that the revision petitioner is ready and willing to pay the entire amount in one go and has brought a demand draft to the tune of Rs.5,53,257/- in DD No.258972, drawn in Karur Vyasya Bank, dated 15.11.2024.

11.Since the entire amount is paid and the same is recorded as full and final settlement. The civil revision petitions are allowed for the reasons stated supra. No costs. Consequently, connected miscellaneous petitions are closed."

Sd/-

Assistant Registrar (CO)

(*)Substituted vide order dated 19.11.2024 made by this Court.

Sd/-

Assistant Registrar (Writs)

// True Copy //

19/11/2024

Sub Assistant Registrar
(CS - I, II, III, IV)



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(*)To be substituted to the order already despatched on 12.11.2024

To

1.The Additional District and Sessions Court,
Srivilliputhur.

Copy to

The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.RAJESWARI, Advocate (SR-58927[F] dated 21/10/2024)

+1 CC to M/s.A.SIVAJI, Advocate (SR-59712[F] dated 23/10/2024)

C.R.P(MD)Nos.2610 & 2615 of 2024
21.10.2024

SL(11.11.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

BV (19/11/2024) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.