



C.R.P.(MD)No.3335 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.3335 of 2023
and C.M.P.(MD).No.17230 of 2023

1.V.Ganapathiammal.

2.V.Ramesh ... Petitioners/Petitioners/Plaintiffs

(2nd petitioner is represented through his Power agent S.Maheswari)

Vs.

S.Kanagalakshmi ... Respondent/Respondent/Defendant

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decreetal order made in I.A.No.02 of 2022 in O.S.No.16 of 2022, dated 12.09.2023 on the file of the II Additional District Court, Thoothukudi District.

For Petitioners : Mr.M.Thirunavukkarasu

For Respondent : Mr.S.Meenakshi Sundaram
for Mr.R.T.Arivukumar



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ORDER

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This civil revision petition has been filed against the fair order and decretal order made in I.A.No.02 of 2022 in O.S.No.16 of 2022, dated 12.09.2023 on the file of the II Additional District Court, Thoothukudi District.

2.Suit in O.S.No.16 of 2022 has been filed by the petitioners for recovery of money from the defendant stating that the husband of the defendant borrowed a sum of Rs.26,00,000/- from the petitioners on a promissory note dated 17.12.2020. He has not repay either principal amount or interest. He died on 18.05.2021. Hence, the petitioners demanded the above said money from his wife namely the defendant. Since she drag on the matter, they filed the present suit before the II Additional District Judge, Thoothukudi, for recovery of money. Pending the suit the petitioners filed the present petition in I.A.No.2 of 2022 seeking direction to the defendant to deposit a sum of Rs.35,00,000/- before the trial Court or to produce a security for the said amount before Judgment. Since the same was dismissed by the trial Court, this petition came to be filed.



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3.Heard both sides. Pending the petition, the learned counsel for the respondent would submit that the defendant is ready to execute Bank security for Rs.32,00,000/- (Rupees Thirty Two Lakhs only) and further he would submit that a direction may be issued to the trial Court to complete the trial process at the earliest, since the suit has been filed against the legal heirs.

4.In view of the above said development, there shall be a direction to the trial Court to expedite the trial process in this case and dispose of the same, within a period of **four months** from the date of receipt of a copy of this order. Let the above said Bank security be submitted by the respondent herein within a period of **fifteen days** from the date of receipt of a copy of this order.

5.With the above said directions, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2024

Index : Yes / No
Internet : Yes / No
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To

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- 1.The II Additional District Judge, Thoothukudi.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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