



Crp.No.560 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.560 of 2025

C.M.P.No.3196 of 2025

N.Karuppasamy

...Petitioner

Vs.

1.K.Suriyakumari

2.K.Venugopal

3.R.K.Gomathi

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the Fair and Final Orders dated 30.09.2024 passed in I.A.No.1 of 2023 in O.S.No.144 of 2021 on the file of the learned II Additional District Judge, Salem and allow the above CRP.

For Petitioner : Mr.R.Nalliyappan



Crp.No.560 of 2025

WEB COPY

ORDER

Challenging the order permitting the plaintiffs to deposit a sum of Rs.32,00,000/- into the Court, the second defendant has filed the above Civil Revision Petition.

2.The plaintiffs had filed the suit O.S.No.114 of 2021 on the file of the II Additional District Court, Salem, seeking the relief of possession against defendants 1 and 2. The plaintiffs would submit that they had entered into a lease agreement with the first respondent on 16.09.2016 for the period from 16.09.2016 to 15.09.2021. Subsequently, they had entered into another agreement with the second defendant on 01.11.2017 for the period dated 01.11.2017 to 30.10.2022. The plaintiffs had received Rs.16,00,000/- from the first respondent and Rs.16,00,000/- from the second respondent. Totally a sum of Rs.32,00,000/- had been received. Since the lease period had come to an end, the plaintiffs have filed the above suit for recovery of possession and therefore, they have come forward with the petition to deposit the amounts collected as rental advance.



Crp.No.560 of 2025

WEB COPY

3.The second defendant has filed a counter statement *inter alia* contending that the first respondent was only a money lender and the amounts were paid by the second defendant. They would submit that plaintiffs are colluding with the first defendant and his wife and attempting to defraud the second respondent. The first defendant has not paid a single penny for the lease of the house and the entire sum of Rs.32,00,000/- had been paid only by the second defendant and therefore he sought for dismissal of the petition.

4.The learned Judge ultimately allowed the petition by stating that issue in the instant suit is for granting the permission as requested and not the issue whether the entire amount of Rs.32,00,000/ was paid by the second respondent alone or whether it was paid by both the first defendant and the second defendant. This is an issue that can be decided at the time of the trial which requires oral and documentary evidence. Challenging the said order, the second defendant is before this Court.

5.Heard the learned counsel appearing for the petitioner and perused the records.



Crp.No.560 of 2025

WEB COPY

6. In the impugned application the plaintiffs only seeks to deposit the entire amounts that has been paid as rental advance. The suit for recovery of possession is still pending. The learned II Additional District Judge, Salem in his order has clearly stated that the issue as to whether the sum of Rs.32,00,000/- was paid by the second defendant or both by the first and second defendants is an issue which has to be taken up at the time of trial after evidence has to be let in. Therefore, the second defendant is in no way prejudiced by the said order. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.02.2025

ep

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

To

The II Additional District Judge, Salem.



WEB COPY



Crp.No.560 of 2025

P.T.ASHA, J.,

ep

C.R.P.No.560 of 2025
C.M.P.No.3196 of 2025

17 .02.2025