



CRP NOs. 842 and 844 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRP NOs. 842 and 844 of 2025
and CMP Nos.4999 and 5000 of 2025

CRP No.842 of 2025:

Thirumalvalavan

.. Petitioner

Vs

Papathi

.. Respondent

CRP No.844 of 2025

Selvi

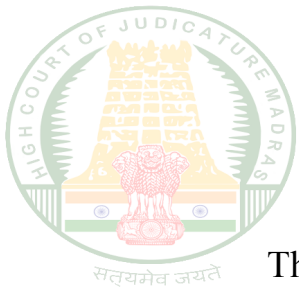
... Petitioner

Vs

Papathi

... Respondent

Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure to set aside the docket order passed in I.A.Nos.2 and 1 of 2023 in O.S.No.17 of 2019 dated 31.01.2025 on the file of District and Sessions Judge at Thirupathur.



COMMON ORDER

The Revision Petitions have been filed to set aside the docket order passed in I.A.Nos.2 and 1 of 2023 in O.S.No.17 of 2019 dated 31.01.2025 on the file of District and Sessions Judge at Thirupathur.

2. The petitioners are the defendants 1 and 2 and the respondent is the plaintiff in O.S.No.17 of 2019 on the file of District and Sessions Court, Thirupathur.

3. For the sake of convenience, the parties are referred as per the rank before the trial Court.

4. The plaintiff filed a suit in O.S.No.17 of 2019 for the recovery of Rs.12,33,000/-(Rupees Twelve Lakhs Thirty Three Thousand only) based on the alleged Pronote along with interest against the defendants. Since defendants did not file their written statement, an exparte judgment and decree came to be passed 22.12.2021.

5. The defendants have filed applications in I.A.Nos.2 of 2023 and 1 of



2023 seeking to set aside the exparte judgment and decree dated 22.12.2021

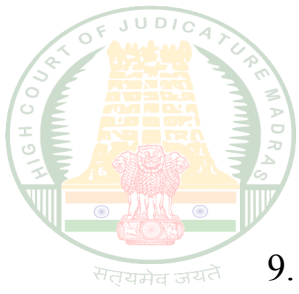
along with an application seeking to condone the delay of 649 days.

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6. The trial Court allowed I.A.Nos.2 of 2023 and 1 of 2023 on condition that each of the defendants should deposit a sum of Rs.2,00,000/-(Rupees Two Lakhs only) to the credit of O.S.No.17 of 2019 on or before 04.03.2025. Challenging the same, the defendants have filed the present civil revision petitions.

7. Learned counsel for the revision petitioners/defendants submits that the petitioners have got a good case on merits, however, the trial Court, while condoning the delay, has imposed an onerous condition directing the defendants to deposit Rs.2,00,000/- each to the credit of O.S.No.17 of 2019 on or before 04.03.2025. Learned counsel submits that the condition imposed is not only onerous but also cause hardship to the respondents when they have good case on merits and therefore, seeks to set aside the order.

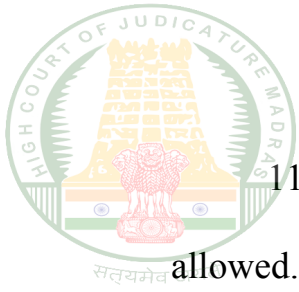
8. Heard the learned counsel for the revision petitioners/defendants and perused the materials available on record.



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9. O.S.No.17 of 2019 has been filed seeking for recovery of a sum of Rs.12,33,000/-(Rupees Twelve Lakhs Thirty Three Thousand only) with 12% interest. Since the defendants did not appear before the trial Court, an exparte judgment and decree came to be passed on 22.12.2021. The defendants have filed applications in I.A.Nos.2 and 1 of 2023 to set aside the exparte judgment and decree along with petitions to condone the delay of 649 days. The trial Court had passed conditional order directing the defendants to pay Rs.2,00,000/-(Rupees Two Lakhs Only) each to the credit of O.S.No.17 of 2019 on or before 04.03.2025.

10. Though this Court has not find any fault in the order passed by the Court below, directing each of the defendants to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) is on the higher side. Hence, the order passed by the learned District and Sessions Judge at Thirupathur dated 31.01.2025 in I.A.Nos.2 and 1 of 2023 is modified to the effect that the defendants shall deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) each to the credit of O.S.No.17 of 2019 on or before 17.03.2025.



11. On such deposit being made, I.A.Nos.2 and 1 of 2023 shall stand allowed.

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12. The trial court shall take every endeavour to complete the trial in O.S.No.17 of 2019 as expeditiously as possible, preferably within a period of six months from 17.03.2025.

13. The defendants shall co-operate for the speedy disposal of the trial.

14. With the above modification, both the civil revision petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03-03-2025

sr

Index:yes/no
Websit:yes/no

To

The District and Sessions Judge at Thirupathur.

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A.D.JAGADISH CHANDIRA,J.,

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