



CRP.No.2815 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.2815 of 2025
and CMP.No.15941 of 2025

1.P.Pulendran
2.P.Illayaraja

... Petitioners

Versus

M/s.EL BE CE
Rep by its Proprietor V.D.Ravi Chandran
Mr.V.D.Ravi Chandran
S/o.Sri Damodharan
Rep by his Power Agent
D.Krishnamurthi
Both residing at
No.16, Dr.Radhakrishnan Nagar
Chennai – 600 082

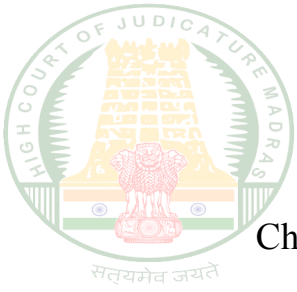
... Respondent

PRAYER : Petition filed under Section 115 of Code of Civil Procedure, to set aside the fair and decretal order dated 01.09.2023 made in I.A.No.2 of 2022 in O.S.No.2458 of 2022 on the file of the XXI Additional City Civil Court at Allikulam, Chennai.

For Petitioner : Mr.C.Prabharakan

For Respondent : Mr.K.Premkumar

ORDER

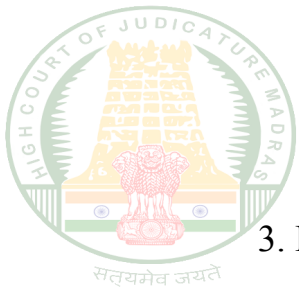


CRP.No.2815 of 2025

Challenge has been made to the impugned order allowing the application to

WEB set aside the exparte decree dated 22.06.2022 on condition to deposit a sum of Rs.6,50,900/- to the credit of the suit within a period of one month from the date of that order, the present revision has been filed.

2. The suit has been originally filed for recovery of a sum of Rs.13,01,800/- alleging that for supplying of poultry to the plaintiff, the defendants had borrowed the aforesaid sum. The suit has been filed as a summary suit. The allegations in the very plaint indicate that there arose a dispute between the parties which resulted in lodging complaint before the police station. In the police station, two cheques were said to have been given by the defendants, whereas, it is the contention of the defendants that cheques have been obtained by coercion and threat in the police station. At this stage, when the leave was sought, the same has not been granted and the suit was decreed. Thereafter, an application was filed to set aside the exparte decree, the Trial Court allowed the application on condition to deposit a sum of Rs.6,50,900/- to the credit of the suit within a period of one month from the date of that order. Challenging the said order, the present revision has been filed.



CRP.No.2815 of 2025

3. Heard both sides and perused the materials placed on record.

WEB COPY

4. At the outset, this Court is of the view that when the defendants have raised some probable defence of alleged coercion and threat, it has to be seen only in the trial and tested on evidence. Therefore, the Trial Court ought not to have imposed such condition which is onerous in view of this Court. At this stage, the learned counsel for the revision petitioner submitted that he is ready to deposit Rs.2,75,000/- towards the credit of the suit.

5. Such view of the matter, the order of the Trial Court setting aside the exparte decree is confirmed, however, the imposition of depositing a sum of Rs.6,50,900/- to the credit of the suit within a period of one month stands set aside. As undertaken by the petitioner, the revision petitioner is directed to deposit a sum of Rs.2,75,000/- to the credit of the suit within a period of one month from today and on such deposit, the written statement shall be filed within one month thereafter. On such filing of the written statement, the suit shall be disposed of within a period of four months thereafter.



CRP.No.2815 of 2025

N. SATHISH KUMAR, J.

WEB COPY

6. Accordingly, this revision stands partly allowed. No costs. Consequently, connected miscellaneous petition stands closed.

07.07.2025

Internet: Yes/No
dhk

To

1. The XXI Additional City Civil Court, Allikulam, Chennai
2. The Section Officer
VR Section, Madras High Court

CRP.No.2815 of 2025