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C.R.P.No.3585 of 2025

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 18.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. No. 3585 of 2025

R.Magheshwaran

...Petitioner

Vs

S.Senthil Kumar

...Respondent

PRAYER: Civil Revision Petition filed under Section 115 C.P.C., to set aside the docket order dated 15.04.2024 passed by the I Additional District and Sessions Judge, Tiruppur in I.A.No.7 of 2024 in O.S.No.426 of 2018.

For Petitioner : Mr.T.Balaji

ORDER

Challenging the order dated 15.04.2024 passed in I.A.No.7 of 2024 in O.S.No.426 of 2018 on the file of the I Additional District and Sessions Judge, Tiruppur, the defendant has filed the above Civil Revision Petition.

2. According to the petitioner/defendant, the respondent/plaintiff filed a suit in O.S.No.426 of 2018 for recovery of money before the

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I Additional District and Sessions Court, Tiruppur. Pending the original suit, the petitioner was directed by the trial Court to deposit the suit claim of Rs.11,75,166/- before the trial Court, which was duly deposited. Subsequently, after trial, the said suit was dismissed by judgment and decree dated 13.09.2023. Thereafter, the petitioner/defendant filed an application in I.A.No.7 of 2024 seeking to transfer the suit claim amount along with accrued interest from the State Bank of India to the Court account, which would enable the petitioner to withdraw the amount after filing proper cheque application with the leave of the trial Court. However, the trial Court dismissed the said application on the ground that appeal suit in A.S.No.832 of 2023 filed by the respondent/plaintiff is pending before this Court.

3. It is the contention of the learned counsel for the petitioner/defendant that admittedly, no stay has been granted by this Court in the pending appeal suit in A.S.No.832 of 2023, however, the trial Court, without considering the same, dismissed the application, which may warrant interference by this Court.



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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is seen from the records that challenging the judgment and decree passed in O.S.No.426 of 2018 dated 13.09.2023, the respondent/plaintiff preferred an appeal suit in A.S.No.832 of 2023 and the same is pending before this Court. It is settled proposition of law that first appeal is continuation of proceedings of the original suit.

6. Considering the facts and circumstances, this Court is of the view that till date, the litigation between both the parties is continuing and not attained finality and hence, this Court does not find any perversity in the order passed by the trial Court in I.A.No.7 of 2024 dated 15.04.2024. However, the petitioner is at liberty to work out his remedy after disposal of the appeal suit or the petitioner may approach the appellate Court for appropriate remedy.

7. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

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To

The I Additional District and Sessions Judge,
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