



WEB COPY



C.R.P.No.1789 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.1789 of 2025
and CMP.No.10327 of 2025

1.Ravi Kandasamy
2.Suresh
3.Tamil Selvi
4.Shanmuha Priya

... Petitioners / Respondents

Vs.

A.Veeramani

... Respondent / Petitioner

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying allow the civil revision petition thereby striking out the original petition in O.P.No.7 of 2025 pending on the file of the learned IX Assistant City Civil Court, Chennai , as abuse of process of law.

For Petitioner : Mr.G.Mohammed Aseef



C.R.P.No.1789 of 2025

ORDER

WEB COPY

Seeking to strike off the petition filed under Sections 5 and 6 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in O.P.No.07 of 2025 before the IX Assistant City Civil Court, Chennai, the respondents in the said O.P., are before this Court in the present revision. Parties would be referred to as per their ranking before the Court below.

2. The said O.P. has been filed by the petitioner/respondent herein stating that he is in the business of running Hotels and Bars, from the date of commencement of TASMAL in the State of Tamil Nadu. The revision petitioners/respondents, who are the family members of the petitioner had shown interest to join him in running the hotel business. Initially, the respondents 1 & 2 / revision petitioners 1 & 2 joined as partners with the petitioner, and a partnership business styled as 'High Five Hotels' was started and a partnership deed dated 30.09.2021 was entered into between them.. The said business was managed by the first respondent / first revision petitioner. As the second respondent is a Government Doctor, he remained as a silent partner and has given the signing authority to the first



WEB COPY

respondent who is none other than his own brother. Since the first respondent is a novice in the hotel business, he had sustained a huge loss within a span of six months and the parties have mutually agreed to dissolve the partnership. The first and the second respondents have opted out of the partnership and thereafter, the respondents in their role as financiers, had agreed to finance for the new hotel business run by the petitioner in the name and style 'Green Park Restaurant'. The respondents had advanced a sum of Rs.10 lakhs in cash to the petitioner, and in return they demanded return of a certain portion of the principal amount along with interest at the rate of 4% to 5% per month. Since the respondents 2 and 3 are Government Doctors, they opted out from the loan agreement and their daughter, the fourth respondent replaced them and she entered into a loan agreement dated 09.06.2022 (styled as partnership) with the petitioner. The respondents have taken blank cheques, promissory notes and also bond papers as security for repayment of loan from the petitioner. The principal and interest amount were directed to be credited to the bank account of the third respondent. It is alleged that the third respondent is a Government Doctor, she had not executed the said loan agreement, but the money was directed to be credited to her account. Accordingly, the petitioner credited a



sum of Rs.36,35,000/- (towards the interest amount + principal amount) to the above mentioned account of the third respondent.

3. Be that as it may, the first respondent once again entered into a loan agreement on 30.11.2022, and had advanced a sum of Rs.79,50,000/- and in return, had also obtained promissory notes, blank bond papers towards repayment of loan. In the said deed, the petitioner was described as "Borrower".

4. The petitioner had been servicing the loan but on account of recent drop in business, he was not able to make the payments. Taking advantage of his bad financial condition, the respondents along with rowdy elements and political big wigs belonging to the then ruling party entered his business place, abused him and directed that the petitioner should return the sum of Rs.90 lakhs within a week's time, failing which, they would demolish his business place.

5. The petitioner herein would state that since June 2024, he had paid a sum of Rs.1,07,60,000/- towards principal and interest to the respondents



WEB COPY

through bank transfers, and he is now liable to pay only Rs.5,20,000/- alone to the first respondent, and that he is ready to deposit the said amount in Court. But the respondents who were charging heavy interest (kandhuvatti), are claiming an exorbitant sum of Rs.90 lakhs from the petitioner. Therefore, the petitioner has come forward to file the original petition in question seeking the following reliefs :

- a. to record the amount of Rs.5,20,000/- to be deposited in court by the petitioner towards the full satisfaction of the loan agreement dated 09.06.2022 (styled as partnership deed) registered document No.111 of 2022 on the files of SRO, Pammal and loan agreement dated 30.11.2022 (styled as partnership deed) registered as document no.216 of 2022 on the files of SRO, Pammal, payable to the respondents including the interest at the rate fixed under Section 7 of the Tamil Nadu Money Lenders Act, 1957;
- b. pass an order under Section 6 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2002, for the restoration of the original security documents like cheques drawn on HDFC Bank Ltd., T.Nagar, Chennai-17, promissory notes and blank documents, forcibly kept by the respondents; and



WEB COPY



C.R.P.No.1789 of 2022

c. pass an order of injunction against the respondents from indulging in intimidation and molestation of the petitioner and his family members.

6. The respondents on receiving notice in the above proceedings, have come forward with the present revision petition to strike off the petition in O.P.No.7 of 2025 pending on the file of IX Assistant City Civil Court, Chennai.

7. A mere reading of the grounds in the present revision (which does not conform to the Memorandum of Grounds that are required to be filed in the civil revision petition) are the ones which have to be tested in trial. That apart, a reading of the grounds would give an impression that the respondents/revision petitioners are challenging an order passed by the trial Judge as most of the grounds start with the words "the Learned Trial Judge". Be that as it may, each of the grounds raised are on the merits of the case which has to be proved by the petitioner and the petitioner cannot therefore be non-suited at the threshold. Therefore, as no case whatsoever is made out for rejecting the petition in O.P.No.7 of 2025, the present civil revision



C.R.P.No.1789 of 2025

petition is dismissed, and the revision petitioners/respondents are directed to contest the said O.P.No.7 of 2025. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
ds

To:

- 1.The IX Assistant Judge
City Civil Court
Chennai.
- 2.The Section Officer
VR Section, High Court, Madras.



WEB COPY



C.R.P.No.1789 of 2025

P.T. ASHA, J.

ds

C.R.P.No.1789 of 2025

25.04.2025