



WEB COPY

CMA No. 1493 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1493 of 2025

AND

CMP NO. 13089 OF 2025

Ravi Prabakar,

Appellant

Vs

Geetha Ravikumar

Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Order XLIII Rule 1(d) of Civil Procedure Code, praying to set aside the order passed in I.A.No.9/2023 in O.S.No.3741/2020 dated 21-10-2024 passed by II Additional City Civil Judge, at Chennai

For Appellant: Mr.P.G.Thiyagu

For Respondent: Mr.D.S.Ramesh



JUDGMENT

WEB COPY

Challenging the impugned order dated 21.10.2024 passed in I.A.No.9 of 2023 in O.S.No.3741 of 2020 by the II Addl. City Civil Judge, Chennai, the appellant/defendant preferred this Civil Miscellaneous Appeal.

2. Before the trial court, the appellant/defendant filed an application seeking to set aside the exparte decree dated 29.08.2023 passed in O.S.No.3741 of 2020 against him and that application was allowed on contest with the condition to pay cost, but the same was not complied. Therefore, that application was dismissed by the trial judge. Challenging the said order, now he preferred this appeal.

3. The learned counsel for appellant would submit that due to ill-health, he was not able to contact his counsel and he was not able to comply the condition. Hence, he prayed to set aside the findings of trial court.

4. The learned counsel for respondent raised objections stating that in order to drag on the proceedings, he filed the said application and intentionally, he failed to comply the conditional order. Therefore, the trial court has rightly dismissed the application, which needs no interference.



5. Heard and considered the rival submissions made by learned counsel for appellant as well as respondent and perused the materials available on record.

6. On perusal of records, it reveals that in the year 2020, the respondent/plaintiff filed a suit seeking for money claim of Rs.30,00,000/- from the appellant/defendant herein. Thereafter, the respondent had appeared before the trial court, but not cooperated with the trial proceedings, so at the earlier occasion, the appellant herein was remained exparte. However, on considering the conduct of party, the trial judge had allowed the application with cost, but the same was not complied by the appellant. Now, at the time of argument, the learned counsel for appellant would submit that he is ready to comply with the order passed by the trial court. The learned counsel for respondent would argue that she filed a suit in the year 2020 and from that year onwards, she is not able to proceed with the trial, since she availed loan to the tune of Rs.25 lakhs to the defendant. On perusal of records, the fact reveals that it is the third application seeking to set aside the exparte decree, however, to give one more chance to the appellant herein, this Court is inclined to set aside the impugned order passed by



WEB COPY

the trial court in I.A.No.9 of 2023 in O.S.No.3741 of 2020 with a condition to deposit a sum of Rs.10,00,000/- into the credit of suit in O.S.No.3741 of 2020 before the trial court within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the respondent is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement. The trial court is directed to complete the trial and dispose the suit within a period of three months from the date of receipt of copy of this judgment. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. II Addl. Judge, City Civil Court, Chennai.
2. Section Officer, VR Section, Madras High Court.



WEB COPY

CMA No. 1493 of 2025



T.V.THAMILSELVI J.

rpp

**CMA No. 1493 of 2025
AND CMP NO. 13089
OF 2025**

22-07-2025