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CRP No. 3038 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRP No. 3038 of 2025

Harish Gupta

S/o. late. P. Gupta, No.6-D,
Uma Complex, 39, Balfour Road,
Kilpauk, Chennai 600 010.

Petitioner

Vs

1. Venkatapuram Cultural Association
Rep by its Secretary Ashish Gupta,
S/o. S.P. Gupta, No.51/193, MTH
Ambattur, Chennai 053.

2.P.J. Guptas High School
Rep by its Correspondent,
No.51/19, MTH Road,
Ambattur, Chennai -53.

3.P.J. Gupta's Primary School
Rep by its Correspondent,
No.51 193, MTH Road, Ambattur,
Chennai -53.

Respondent(s)



PRAAYER

This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order and decreetal order dated 14.02.2025 in IA No.5 of 2023 in I.A No.4 of 2022 in AS No.194 of 2019 on the file of the XVII Additional City Civil Court, Chennai.

For Petitioner: Mrs.A.L.Gandhimathi,
Senior Counsel
For Mr.L. Palanimuthu

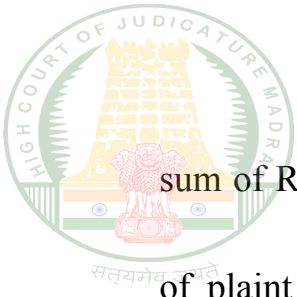
For Respondents: Mr.Raghavendra Ross Divakar

ORDER

This Civil Revision Petition has been filed to set aside the order and decreetal order dated 14.02.2025 passed in I.A No.5 of 2023 in I.A No.4 of 2022 in A.S No.194 of 2019 on the file of the XVII Additional City Civil Court, Chennai.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. The learned Senior Counsel for the petitioner submitted that the suit in O.S.No.732 of 2010 filed by the respondents herein, as against the petitioner, was decreed and the learned trial Judge directed the petitioner herein to pay a



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sum of Rs.1,11,215/- together with interest at the rate of 18% p.a from the date of plaint till the date of realization with costs. Aggrieved by the same, the petitioner filed an appeal in A.S.No.194 of 2019 and the same was dismissed for default vide order dated 03.08.2022. Thereafter, the petitioner filed I.A.No.4 of 2022 seeking to recall the order dated 04.08.2022 and to restore A.S.No.194 of 2019 and the same was disposed of. Meanwhile, the respondent herein filed a execution petition. Pending execution petition, the petitioner has paid the entire amount. Since there are some allegations in the suit itself, the petitioner wants to contest the appeal. Hence, the petitioner seeks one more opportunity to contest the appeal.

4. The learned counsel for the respondents submitted that the respondents /plaintiffs filed a suit against the petitioner/defendant in O.S.No.732 of 2010 and the same was decreed on 13.07.2016. Challenging the judgment and decree dated 13.7.2016 passed by the trial Court, the petitioner had filed an appeal in A.S.No.194 of 2019 on the file of XVII Additional City Civil Court, Chennai and the said Appeal was dismissed for default on 04.08.2022 and thereafter, the petitioner has filed a petition in I.A.No.4 of 2022 in A.S.No.194



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of 2019 seeking to restore the appeal. The said application was also dismissed for default. Thereafter, the petitioner filed another application in I.A.No.5 of 2023, before the XVII Additional City Civil Court, Chennai to restore I.A.No.4 of 2022, which was also dismissed for default vide impugned order dated 14.2.2025. Challenging the same, the petitioner is before this Court. Despite giving sufficient opportunities, the petitioner did not avail the same and even after allowing the application in I.A.No.4 of 2022 on payment of costs, the petitioner failed to pay the said costs. The petitioner is only dragging on the proceedings and allowed the appeal to be dismissed. Subsequently, the petitioner filed a petition after petition. As stated by the learned Senior Counsel that the petitioner had not paid the entire amount, instead, the petitioner has paid the principal amount only. The petitioner has to pay the interest amount and hence the learned counsel for the respondent prayed for dismissal of the revision petition.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. Admittedly, the respondents filed a suit against the petitioner in O.S.No.732 of 2010 on the file of the City Civil Court at Chennai and the same was decreed on 13.7.2016. Challenging the said judgment and decree dated 13.7.2016 passed by the trial Court, the petitioner had filed an appeal in A.S.No.194 of 2019 on the file of XVII Additional City Civil Court, Chennai and the said Appeal was dismissed for default on 04.08.2022 and thereafter, the petitioner has filed a petition in I.A.No.4 of 2022 in A.S.No.194 of 2019 seeking to restore the appeal. The Appellate Court allowed the application on condition that the petitioner has to pay the costs of Rs.5,000/- on or before 16.3.2023. Since the petitioner has not complied with the conditional order, that application was dismissed. Thereafter, the petitioner filed a I.A.No.5 of 2023 to restore I.A.No.4 of 2022 and the same was also dismissed vide impugned order dated 14.02.2025. On a reading of entire proceedings and materials, it is seen that the petitioner is not vigilant and he is also not interested in contesting the case on merits.



7. Under the abovesaid facts and circumstances of the case, this Court does not find any reason to interfere with the impugned order dated 14.02.2025 passed by the Appellate Court in I.A.No.5 of 2023. Therefore, the Civil Revision Petition is dismissed. There shall be no order as to costs.

19-08-2025

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Index:Yes/No

Internet:Yes

Speaking/Non Speaking order

Neutral Citation:Yes/No



To

1. The XVII Additional City Civil
Judge, Chennai.

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2. The Record Keeper,
VR Section, High Court, Madras.



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P.VELMURUGAN J.

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