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C.R.P.No.3288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM

THE HONOURABLE MR. JUSTICE **P.B.BALAJI**

**C.R.P.No.3288 of 2025**  
**and**  
**C.M.P. No.18200 of 2025**

L.Indrajith

.. Petitioner

Vs.

D.Arun Kumar

.. Respondent

Civil Revision Petition filed under Section 115 of The Code of Civil Procedure against the order dated 15.04.2025 passed by the V Assistant City Civil Court, Chennai, in I.A. No.1 of 2024 in O.S.No.3731 of 2024.

For Petitioner : Mr.S.Indrajith

For Respondent : Mr.N.Moorthi

**ORDER**

Heard Mr.S.Indrajith, learned counsel for the revision petitioner and Mr.N.Moorthi, learned counsel for the respondent.

2. The revision petitioner is the defendant and he is aggrieved by the order dated 15.04.2025, refusing to grant leave to defend the suit in O.S. No.3731 of 2024 before the V Assistant



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Judge, City Civil Court, Chennai. The suit has been filed under Order XXXVII Rule 2 of CPC as an underchapter suit. The second defendant, in compliance with the provisions of the Code, had taken out an application seeking unconditional leave to defend the suit, stating that the petitioner is not liable to pay any amount to the respondent/plaintiff in the first place and the suit claim is whimsical and unsustainable. However, the learned trial Court, taking note of the fact that the revision petitioner has admitted to issuance of the cheque for Rs.2,75,700/- and the revision petitioner having not filed any documents regarding the statement of debts to subscribers including the plaintiff and that the petitioner is only trying to evade law, proceeded to dismiss the application.

3. Mr.S.Indrajith, learned counsel for the revision petitioner states that cheque, on which the suit claim has been laid, was taken by force and unless an opportunity is given to the revision petitioner/defendant to file written statement, defending the suit, the defendant will be seriously prejudiced. He would also bring to my notice that a sum of Rs.1,00,000/- has been deposited before the trial Court, which factum is also admitted by the learned counsel for the respondent/plaintiff. Learned counsel for the revision petitioner also states that the revision petitioner/defendant is willing to deposit any further amount to show his bonafides for being



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given a chance to defend the suit which is wholly unsustainable, according to the petitioner.

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4. Per contra, Mr.N.Moorthi, learned counsel for the respondent states that the police complaint was given in respect of another cheque and not the cheque which is covered under the suit claim. Therefore, he contends that the trial Court has rightly factored all these averments made in the leave to defend application as well as in the counter affidavit filed by the respondent/plaintiff and dismissed the leave to defend application and the same does not warrant interference in revision.

5. I have carefully considered the submissions advanced by the learned counsel for the parties.

6. Admittedly, the suit claim has been made on the basis of the cheque issued by the revision petitioner for a sum of Rs.2,75,700/-. The cheque has been dishonoured and the suit has been instituted for recovery of the said amount, together with interest and costs. The trial Court has proceeded to dismiss the application on the only ground that the petitioner admitted the issuance of the cheque even in the leave application. However, the



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trial Court has not noticed the fact that the petitioner, though admitting to the issuance of the cheque, has sought to explain under what circumstances the cheque was issued by him and ought to have seen that the same could be established only if the parties are permitted to lead evidence in trial and the trial Court ought to have put the petitioner on terms and granted conditional leave, instead of dismissing the application altogether.

7. In the light of the above, I am inclined to set aside the order dated 15.04.2025 in I.A. No.1 of 2024 in O.S.No.3731 of 2024 on condition that the petitioner deposits a further sum of Rs.50,000/- to the credit of O.S.No.3731 of 2024 on the file of V Assistant Judge, City Civil Court, Chennai, within a period of four weeks from the date of receipt of a copy of this order and subject to such compliance, the order in I.A. No.1 of 2024 in O.S. No.3731 of 2024 shall be set aside and the petitioner/defendant shall be entitled to file written statement within a period of two weeks thereafter. The trial Court shall frame issues within one week from the date of filing of the written statement by the defendant and trial shall be expedited and the suit shall be disposed of within a period of three months thereafter.



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8. With the above directions and observations, the civil revision petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

15.09.2025

Index:Yes/No  
Neutral Citation:Yes/No  
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To

The V Assistant Judge,  
City Civil Court,  
Chennai.



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**P.B.BALAJI,J.,**

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