



C.R.P.No.4833 of 2025
and C.M.P.No.24359 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4833 of 2025

and

C.M.P.No.24359 of 2025

M.Thirumalai

... Petitioner

Vs

R.Sivakumar

... Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 13.08.2025 passed in I.A.No.3 of 2024 in O.S.No.851 of 2024 by the learned VI Assistant City Civil Court, Chennai.

For Petitioner : Mr.S.Chinnasamy

ORDER

This Civil Revision Petition is filed to set aside the order dated 13.08.2025 passed in I.A.No.3 of 2024 in O.S.No.851 of 2024 on the file of VI Assistant City Civil Court, Chennai.

2. The defendant has preferred the petition, one R.Sivakumar



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has filed the suit in O.S.No.851/2024 on the file of the VI Assistant City Civil Court, Chennai, for recovery of a sum of Rs.6,37,200/- with interest at the rate of 24% per annum from the date of filing of the suit till realization. The revision petitioner / defendant has filed a petition in I.A.No.3/2024 in O.S.No.851/2024 under Order XXXVII Rule 3(5) of CPC to leave to defend the case. Upon hearing either side, the court below, vide order dated 13.08.2025, allowed the petition, on condition that the revision petitioner / defendant shall deposit a sum of Rs.3,00,000/- by way of fixed deposit in the name of 'The Registrar City Civil Court, Chennai' and also the non-compliance, the petition will be automatically dismissed and the matter will be posted for further proceedings as per Order XXXVII Rule 3(6) of CPC. Aggrieved over the same, the defendant has preferred the present civil revision petition.

3. The learned counsel appearing for the revision petitioner would submit that the court below failed to consider the revision petitioner / defendant merits of the case and passed the impugned interim order of deposit Rs.3,00,000/- to the Court Registrar and it is most



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difficult to the revision petitioner / defendant because he already settled the above disputed loan amount to the respondent / plaintiff along with interest around Rs.4,50,000/-, after receiving the principal and interest amount the respondent / plaintiff suppressed the real facts and filed the summary suit without any merits. It clearly shows that the respondent / plaintiff approached this Court with unclean hands. The learned counsel further submits that the Court below never considered the revision petitioner / defendant as genuine and he admits that he borrowed the loan amount for the respondent / plaintiff for Rs.3,00,000/- and repaid the said loan amount with interest, which is around Rs.4,50,000/- by way of cash only its amount was paid several occasions. The learned counsel further would submit that the depositing a sum of Rs.3,00,000/- is exorbitant , the conditional amount may be reduced to the tune of Rs.1,50,000/-.The learned counsel further submit that for reporting compliance the suit is posted on 15.10.2025.



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4. According to the revision petitioner, the main grievance of the revision petitioner / defendant is that the conditional order passed by the Court below by directing to deposit of a sum of Rs.3,00,000/- is exorbitant.

5. Considering the submissions advanced by the learned counsel for the revision petitioner and the grounds raised in the revision petition this Court is not inclined to interfere with the order of the Court below. However, this Court inclined to modify the order of the Court below. Accordingly, the revision petitioner / defendant shall deposit a sum of Rs.2,50,000/- instead of Rs.3,00,000/- by way of fixed deposit in the name of 'The Registrar, City Civil Court, Chennai' all other conditions imposed by the Court below dated 13.08.2025 is unaltered.



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6. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

10.10.2025

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

1. The VI Assistant City Civil Court, Chennai.

M. JOTHIRAMAN, J.



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