



WEB COPY

CRP No. 1389 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRP No. 1389 of 2025

and

CMP No.8252 of 2025

T. Ramesh
S/o. T. Pappa Rao,
Ranjanas Apartments,
Near Bharani Studio,
Saligramam, Chennai 93.

Petitioner

Vs

Bharani R.Paluvai
S/o. Late. P.S. Ramakrishna Rao,
No.10, Vaidyarama St, T. Nagar,
Chennai 017.

Respondent

PRAYER

This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the final Judgement and decree dated 23.03.2015 passed in OS NO.478 of 2014, on the file of XVI Additional Court, Chennai.

For Petitioner: Mr.M. Ganesan

For Respondent: M/s.Rukmani.R.V
for M/s.P.B.Ramanujam Associates

**ORDER**

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This Civil Revision Petition has been filed to set aside the judgement and decree dated 23.03.2015 passed in OS NO.478 of 2014, on the file of XVI Additional Judge, XVI Additional City Civil Court, Chennai.

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

3. Learned counsel for the petitioner submitted that the respondent filed a suit in O.S.No.478 of 2014 on the file of XVI Additional City Civil Court, Chennai, as against the petitioner herein for recovery of money. Without assigning any reason, the trial Court has passed the following one line order/judgment:

“ P.W.1 present. Proof affidavit filed Ex.A1 to A3 marked. Suit claim proved. The suit is decreed as prayed for with costs”.

The learned counsel for the petitioner further submitted that the trial Court has not passed a speaking order/judgment. Hence, the judgment and decree passed by the trial Court is vitiated.



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4. Admittedly, the respondent herein is the plaintiff, who filed a suit in O.S.No.478 of 2014 on the file of XVI Additional City Civil Court, Chennai, as against the defendant/petitioner herein for recovery of money. The petitioner was arrayed as defendant in the said suit and summon was served on him and the petitioner had also engaged a counsel and he entered appearance through the said counsel. Subsequently, the petitioner neither followed/contested the case nor filed written statement. Hence, an *ex-parte* decree was passed on 23.3.2015. Subsequently, the decree holder, who is the respondent herein had also filed E.P.No.3848 of 2015 and the same is pending. The judgment debtor, who is the petitioner herein has been kept quiet for nine years, now has filed this civil revision petition, invoking Article 227 of the Constitution of India, seeking to set aside the judgment and decree dated 23.3.2015 passed in O.S.No.478 of 2014 by the XVI Additional Judge, Chennai, stating that the trial Court has not passed the order in consonance with Order 20 of C.P.C.,

5. On a perusal of the records, it is seen that the petitioner being a party to the suit, he knew very well about the case. He has not even filed written statement and allowed the trial Court to pass an *ex-parte* decree. The petitioner



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has not taken any steps for nine years and now taking advantage of the technicality, filed this civil revision petition. Further, the petitioner has suppressed the fact that the petitioner had already filed a petition to set aside the *ex-parte* decree and the same was also dismissed. The petitioner has not filed any petition challenging the dismissal of the said petition to set aside the *ex-parte* decree. Now, the petitioner is before this Court invoking Article 227 of the Constitution of India, challenging the judgment and decree passed by the trial Court. In view of the above facts, it is seen that the petitioner has not come to this Court with clean hands.

6. It is seen that the Trial Court has not followed the provision of either Order 20 of C.P.C., or the decision of the Hon'ble Supreme Court and this Court and further, the trial Court has not assigned any reason to pass the impugned judgment and decree. Hence, the impugned order dated 23.3.2015 passed by the XVI Additional Judge, XVI Additional City Civil Court, Chennai is set aside.

7. Considering the facts and circumstances of the case, this Court directs the petitioner to deposit 50% of the decretal amount to the credit of



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O.S.No.478 of 2014 before the trial Court within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made by the petitioner, the trial Court is directed to pass judgment and decree afresh in consonance with Order 20 of C.P.C., in accordance with law. It is made clear that the trial Court shall not conduct *de nova* trial, since the impugned order is set aside only for the limited purpose as stated above. If the petitioner fails to comply the abovesaid condition, the Civil Revision Petition shall stand dismissed automatically without any further reference to this Court.

8. With the abovesaid direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26-08-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

The XVI Additional Judge,
XVI Additional City Civil Court,
Chennai.



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P.VELMURUGAN J.

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