



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP.No.22126 of 2025

in CRP.SR.No.144312 of 2025

A.Kuppan

Petitioner(s)

Vs

1.South Indian Bank Limited,
Pasumathur Branch,
Rep. by its Branch Manager,
P.M.Complex, Ist Floor, No.1/120, Bus Stand,
Pasumathur, Katpadi Taluk, Vellore District.

2.L.Ganesan

Respondent(s)

Prayer: Civil Miscellaneous Petition filed under Section 151 of CPC to dispense with the production of the original copy of the order in Memo SR.No.2380 of 2024 in O.S.No.30 of 2014 dated 09.08.2024 on the file of the Principal Subordinate Judge, Vellore.

For Petitioner(s): Mr.Sunny Sheen



WEB COPY

ORDER

The matter is listed before this Court by way of a Lunch Motion.

2. Heard Mr. Sunny Sheen, learned counsel for the revision petitioner.

3. The revision petition is directed against the rejection of a memo filed by the revision petitioner, who is the 2nd defendant in O.S.No.30 of 2014. The revision petitioner had been set ex-parte in the said suit and an application was taken out under Order IX Rule 13 of CPC, for setting aside the ex-parte decree. Though the application came to be dismissed by the Trial Court, this Court in CRP.No.1759 of 2019, by order dated 10.01.2024, has directed the revision petitioner to give security of immovable property to the satisfaction of the trial Judge, within four weeks, by depositing the original title documents. The said revision petition was allowed subject to the compliance of the said condition.

4. According to the learned counsel for the petitioner, the order of this Court in the said CRP was passed on 10.01.2024 and the copy application was filed, without any delay on 11.01.2024. The copy was made ready on 14.03.2024 and taken delivery by 15.03.2024. Within a period of four weeks, the time granted by this Court in CRP.No.1759 of 2019, a memo came to be filed, along with the original documents on 04.04.2024. However, the said order passed by this Court in CRP.No.1759 of 2019 has been construed by the Trial Court to be a period of four weeks from the date



WEB COPY

of receipt of copy of the order and only on this ground, the memo has been rejected.

4.I am satisfied that the revision petitioner has made out a *prima facie* case. Though the revision petition is yet to be numbered and today, only the dispense with application alone is being ordered, the learned counsel for the petitioner is at liberty to file a memo before the Trial Court seeking to defer the proceedings for a couple of days, to enable the petitioner to move the Civil Revision Petition for urgent interim orders.

5.In view of the above, the Civil Miscellaneous Petition is ordered as prayed for.

08.09.2025

ata

Note: Registry is directed to number the CRP, if it is otherwise in order and list the same on 10.09.2025, for admission.

To

The Principal Subordinate Judge, Vellore.

**CMP.No.22126 of 2025
in CRP.SR.No.144312 of 2025**