



C.S.No.245 of 2023

MASTER

22.09.2025

JUDGMENT

1.This summary suit has been filed under Order VII Rule 1 of Original Side Rules read with Order XXXVII of CPC to pass a judgment and decree against the defendant to pay the plaintiff a sum of Rs.1,33,69,870/- with subsequent interest at the rate of 12% per annum on the principal amount Rs.1,00,00,000/- from the date of the presentation of the plaint till the date of payment.

2. After registration of plaint, summons was ordered to be issued to the defendants. Summon was served on both the defendants. The defendants entered appearance through a learned counsel and filed application to grant leave to defend the suit. This court by an order dated 21.09.2025 in A.No.909 of 2024 dismissed the said application and did not grant conditional leave to defend the suit for the defendants.

3. At this juncture, it is useful to point out the relevant provisions of Madras High Court Original Side Rules which deals with the procedure to try summary suits.

Order VII Rule 1:

R.1. A suit to recover a debt or a liquidated demand in money, evidenced by a document, or any money payable by the defendant with or without interest, arising on a negotiable instrument or on a bond or a contract for payment of a liquidated amount of money evidenced by a document, or on a guarantee where the claim arises against the principal in the manner aforesaid, may, in case the plaintiff desires to proceed hereunder, be instituted by presenting a plaint in the form prescribed.



For the purpose of this order “Liquidated demand” means a demand for the amount stated or so expressed that the ascertainment of the amount is a mere matter of calculation.

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Order VII Rule 5:

R.5. In any case in which the plaint and summons are in the form prescribed in this order, the defendant shall not defend the suit unless he obtains leave to defend from the Master as hereinafter provided. In default of the defendant obtaining such leave, or if he fails to defend in pursuance of such leave, the allegations in the plaint shall be deemed to be admitted and the plaintiff shall be entitled to a decree for the sum claimed in the plaint, and in cases where interest is payable either by contract or statute, interest till the passing of the decree and further interest at six percent per annum from the date of the decree to the date of payment, and such sum for costs as may be prescribed.

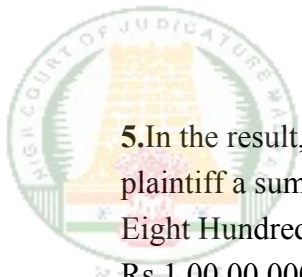
Order VII Rule 6:

R.6 (1) An application for leave to defend the suit shall be made to the Master supported by such evidence by way of affidavit as the defendant desires to place before the Court.

(2) Leave to defend may be given unconditionally or subject to such terms and directions as the Master thinks fit.

(3) The master shall, (a) if the defendant does not appear, on proof by affidavit of service of the summons on the defendant, or (b) if leave to defend is not granted, pass a decree for the amount claimed and costs

4. In this case, the leave to defend application filed by the defendants is dismissed. The defendants are not granted with the leave to defend this case. As per Order VII Rule 6 (3) of Madras High Court Original Side Rules, the Master shall pass a decree against the defendant for the amount claimed with costs and the plaintiff is entitled to a decree for the sum claimed in the plaint.



5. In the result, this suit is decreed directing the defendants 1 and 2 jointly and severally to pay the plaintiff a sum of Rs.1,33,69,870/- (Rupees One Crore Thirty Three Lakhs Sixty Ninety Thousand Eight Hundred and Seventy only) with future interest @ 12% per annum for the amount of Rs.1,00,00,000/- (Rupees One Crore only) from the date of presentation of the plaint till the date of the decree and 6% per annum for the amount of Rs.1,00,00,000/- (Rupees One Crore only) from the date of the decree till the date of realization and the costs of this suit as fixed by the taxing officer.

Sd/-

MASTER