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A.S.No.89 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

A.S.No. 89 of 2025

and

C.M.P.No.1752 of 2025

1. P. Venkatesan

2. V. Shanthi

.....Appellant(s)/Defendants

-Versus-

R. Thirugnanasambantham

.....Respondent/Plaintiff

Appeal under Section 96 of the Code of Civil Procedure, 1908, praying to set aside the judgement and decree dated 14.08.2024 passed in OS No.1023 of 2024 on the file of the learned XXI Additional Judge, City Civil Court, Chennai.

For Appellant(s): Mr.K.V.Sundararajan

For Respondent: Mr.Adinarayana Rao

JUDGEMENT

This appeal suit has been preferred by the defendants who suffered a



A.S.No.89 of 2025

Additional Judge, City Civil Court at Chennai, by judgement dated 14.08.2024,
WEB COPY

whereunder the learned Judge has directed the defendants to pay a sum of Rs.21,08,000/- to the plaintiff together with interest at the rate of 9% per annum from the date of plaint till date of decree and thereafter at the rate of 6% per annum on the principal sum of Rs.17,00,000/- from the date of decree till date of realisation.

2. The appeal suit is preferred by the appellants/defendants mainly on the ground that leave to defend was rejected.

3.1 The suit in O.S.No.1023 of 2024 was filed by the respondent/plaintiff under Order XXXVII, Rules 1 and 2 of CPC for recovery of a sum of Rs.17,00,000/- together with interest of Rs.4,08,000/- at the rate of 24% per annum from the date of borrowal, totalling Rs.21,08,000/- together with further interest at the rate of 9% per annum on Rs.17,00,000/- from the date of plaint till date of realisation in full and for costs of the suit.

3.2 Pending the above suit, the defendants filed two applications in

I.A.Nos.3 and 4 of 2024, one seeking to condone the delay in filing the



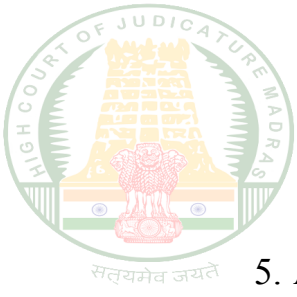
A.S.No.89 of 2025

WEB COPY

application praying leave to defend the summary suit and the other one praying leave to defend the summary suit. Both the applications were dismissed by the trial court on merits, by order dated 14.08.2024.

3.3 Aggrieved by the orders passed by the trial court refusing to condone the delay and dismissing the leave application to defend the suit, the appellants/defendants filed two revision petitions in C.R.P.Nos.705 and 709 of 2025 respectively and this court, by common order dated 06.03.2025, set aside the orders of the trial court refusing to condone the delay in filing the application seeking leave to defend the suit and the other application seeking leave to defend the summary suit on condition that the appellants herein should deposit a sum of Rs.10,00,000/- within a period of four weeks from the date of receipt of a copy of the order and on such deposit, the decree shall stand revoked and granted leave to the appellants/defendants to defend the suit.

4. In the light of the above factual position, the judgement and decree dated 14.08.2024 made in O.S.No.1023 of 2024 on the file of the learned XXI Additional City Civil Court at Chennai are liable to be set aside.



A.S.No.89 of 2025

WEB COPY

5. As a result, this appeal suit is allowed, and the judgement and decree dated 14.08.2024 made in O.S.No.1023 of 2024 on the file of the learned XXI Additional Judge, City Civil Court at Chennai, are set aside. It goes without saying that on complying with the conditional order for deposit of Rs.10,00,000/- within the time frame, the appellants/defendants will be allowed to defend the suit in light of the orders of this court passed in the revision petitions, which expressly states that the delay will be condoned and the appellants/defendants will be permitted to defend the suit on deposit of Rs.10,00,000/- and if the defendants fail to fulfil the condition imposed by this court in the revision petitions within the time frame fixed thereof, the appeal suit (A.S.No.89 of 2025) on the file of this court will stand dismissed and the judgement and decree dated 14.08.2024 made in O.S.No.1023 of 2024 on the file of the XXI Additional Judge, City Civil Court at Chennai, will be revived.

No costs. Consequently, connected CMP is closed.

17-03-2025

Index: Yes/No

Neutral Citation: Yes/No

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A.S.No.89 of 2025

N.SATHISH KUMAR J.

kmk

AS No. 89 of 2025