



CRP Nos.705 & 709 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM

THE HONOURABLE **Mr. JUSTICE A.D.JAGADISH CHANDIRA**

CRP Nos.705 & 709 of 2025

1.P.Venkatesan

2V.Shanthi

... Petitioners in both CRPs

Vs.

R.Thirugnanasambantham

...Respondent in both CRPs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 14.08.2024 passed in I.A.Nos.3 & 4 of 2024 in O.S.No.1023 of 2024, on the file of the learned XXI Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.K.V.Sundararajan

For Respondent : M/s.Adinarayana Rao
Mr.S.Sathish Kumar
Mr.A.Bharathkumar



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COMMON ORDER

This Civil Revision Petition [CRP.No.705 of 2025] has been filed against the order passed in I.A.Nos.3 of 2024 in O.S.No.1023 of 2024, on the file of the learned XXI Additional Judge, City Civil Court, Chennai, seeking to condone a delay of 86 days in filing the petition for leave to defend. Similarly, CRP.No.709 of 2025 has been filed against the order passed in I.A.No.4 of 2024 in O.S.No.1023 of 2024, on the file of the learned XXI Additional Judge, City Civil Court, Chennai, dismissing the petition seeking unconditional leave to defend.

2. By consent of both counsels, both revision petitions are taken up for final disposal.

3. The learned counsel appearing for the petitioners submitted that the trial Court dismissed the application seeking to condone the delay, holding that the petitioners had filed it under the wrong provision and that



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no medical evidence was filed to establish sufficient cause for condoning the delay. Consequently, the petition filed under Order XXXVII Rule 3 of CPC., seeking to unconditional leave to defend was also rejected and the suit in O.S.No.1023 of 2024 was decreed by the Court on 14.08.2024.

4. The learned counsel further submitted that the petitioners are none other than the brother-in-law and sister of the respondent. Mrs.Shanthi, the respondent's sister suffered a brain stroke and was admitted to Apollo hospital in April 2021 for some time. During her hospitalization, her husband continuously took care of her. Due to stress, she was unable to pursue the matter, resulting in the delay. He further submitted that without prejudice, the petitioners are willing to deposit an amount of Rs.10,00,000/- as security before the lower Court within a reasonable time and would submit that if the orders are not set aside and the petitioners are not permitted to defend the suit, grave prejudice would be caused to them.



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5. Mr.Adinarayana Rao, the learned counsel for the respondent submitted that he has no objection for allowing the revisions.

6. Taking into consideration the submission made, these Civil Revision Petitions are allowed and the orders passed by the lower Court are set aside. The petitioners are granted leave to defend on depositing an amount of Rs.10,00,000/- within four weeks from the date of receipt of a copy of this order and on such deposit, the *ex-parte* decree dated 14.08.2024 shall stand revoked. There shall be no order as to costs.

7. The learned counsel for the petitioners also submitted that the petitioners, as an abundant caution, have filed first appeal in A.S.No.89 of 2025, which is pending before this Court and he would seek liberty to withdraw the same. Liberty granted.

06.03.2025

Index: Yes/No
Internet: Yes/No
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The XXI Additional Judge, City Civil Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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