



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6027 of 2025

and

CMP No.29788 of 2025

Sunil Bhandari

Petitioner(s)

Vs

1. Margadarsi Chits Pvt Ltd.,
A Wing Flat No.1 and 2, 2nd floor, Parsn
Manere, No.602, Anna Salai, Chennai-6.
Rep by its Foreman, G.Ramachandra Naidu.

2.Viman Travels India P Ltd
3.S.R.Venkatesh
4.K.Satyakumar
5.S.Ananthanarayanan
6.S.Rajmohan
7.T.Ramya

Respondent(s)

PRAYER

This Civil Revision Petition filed under Section 115 of CPC., prays to set aside the order and decreetal order dated 07.08.2025 passed in EA No.4 of 2025 in EP No.403 of 2021 in ARC No.193 of 2016 by the learned IX Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.N.Nagu sah

For Respondent(s): Mr.D.Shivakumaran for R1

**ORDER**

Heard Mr.N.Chandra Sekar learned counsel appearing for the petitioner and Mr.D.Shivakumaran learned counsel appearing for the respondents.

2.The revision petitioner is the judgment debtor, challenging the onerous condition passed in E.A.No.4 of 2024 which was the application to set aside the exparte order dated 07.12.2021. The executing Court has imposed a condition that the petitioner should deposit 50% of the execution proceedings amount, which amounts to Rs.25,00,000/-.

3.The learned counsel for the petitioner submits that, it is only an application to set aside the exparte order and the executing Court ought not to have imposed such onerous condition, which is against well settled principles laid down before this Court as well as by the Hon'ble Supreme Court. He therefore prayed for reasonable costs being imposed, instead of the onerous condition passed by the executing Court.

4.Per contra, Mr.D.Shivakumaran, learned counsel appearing for the respondent states that the decree amount is Rs.24,00,000/- and the award itself came to be passed in the year 2019 and the petitioner / judgment debtor has not paid any amount.



5. In the light of the above, considering that even E.A.No.4 of 2024 was filed only to set aside the exparte order after lapse of more than three years, I am inclined to modify the condition imposed by the executing Court by reducing the 50% amount to a sum of Rs.5,00,000/-. The said sum shall be deposited to the credit of E.P.No.403 of 2021, since the petitioner disputes liability. The said deposit shall be made, without prejudice to the contention of the petitioner in the execution proceedings, within a period of (8) weeks. Subject to compliance made by the petitioner, the exparte order shall be set aside and thereafter, the execution proceedings shall be disposed of, within a period of (4) months, on merits and in accordance with law.

6. With the above directions, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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To,

IX Assistant Judge, City Civil Court, Chennai.

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P.B.BALAJI J.

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