



C.R..P.(PD)(MD).No.328 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.328 of 2025

and

C.M.P.(MD) Nos.1863 and 3023 of 2025

A.Marimuthu

... Petitioner/
Petitioner/1st Defendant

Vs.

1. S.Ramarathinam

... 1st Respondent/Respondent/
Plaintiff

2. Syndicate Bank,
Represented by its Branch Manager,
Golden Rock Branch,
Golden Rock,
Tiruchirappalli – 620 004.

... 2nd Respondent/Respondent
2nd Defendant

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C, against the order dated 27.01.2025 made in I.A.No.08 of 2024 in O.S.No.461 of 2018 on the file of the II Additional Subordinate Judge, Tiruchirappalli.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For R1 : Mr.K.S.Kathiravan

For R2 : Mr.Madhan Alexander



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ORDER

The first defendant in O.S.No.461 of 2018 on the file of the II Additional Subordinate Judge, Tiruchirappalli, has filed the present Civil Revision Petition, challenging the condition imposed in I.A.No.08 of 2024 for allowing a condone delay application.

2. The first respondent in the revision petition has filed the above said suit for the relief of recovery of sum of Rs.2,33,580/- (Rupees Two Lakhs Thirty Three Thousand Five Hundred and Eighty only). Pending suit, an *ex parte* decree came to be passed on 27.03.2024. The revision petitioner has filed I.A.No.8 of 2024 to condone the delay of 4 days in filing an application to set aside the *ex parte* decree. This application was allowed by the trial Court on condition that the first defendant should deposit 50% of the suit claim amount. Challenging the condition imposed in the order, the present Civil Revision Petition has been filed.

3. Pending Revision Petition, this Court by way of an interim order had directed the first defendant/revision petitioner to deposit a sum of



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Rs.1,00,000/- (Rupees One Lakh only) before the trial Court on or before 13.03.2025. The said order has been complied with.

4. Considering the fact that the revision petitioner/first defendant has already deposited a sum of Rs.1,00,000/- (Rupees One Lakh only), this Court is inclined to set aside the order in I.A.No.8 of 2024 with regard to the condition imposed therein and I.A.No.8 of 2024 shall stand allowed.

5. It is brought to the notice of this Court that the defendants have filed I.A.No.9 of 2024 under Order 9 Rule 13 of C.P.C and it is pending. On instructions, the learned counsel appearing for the plaintiff would submit that he has no objection for allowing the said application.

6. In such circumstances, the trial Court is directed to allow the application filed under order 9 Rule 13 of C.P.C, and also directed to dispose of the suit in O.S.No.461 of 2018 on or before **31.08.2025**.



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7. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

13.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The II Additional Subordinate Judge,
Tiruchirappalli.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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