



CRP(MD). No.2206 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2206 of 2025 and
CMP(MD) No.13074 of 2025**

Vasu

... Petitioner

Vs

P.Muthu

... Respondent

PRAYER :-Civil Revision Petition filed under section 115 of Civil Procedure Code, to set aside the order dated, 03-07-2025 passed by the II Additional sub Court, Madurai in E.A.No.1 of 2025 in E.P.No.284 of 2023 in O.S.No.314 of 2016.

For Petitioner : Mr.R.Sundar

For Respondent : Mr.M.Muthukrishnan

ORDER

The Civil Revision Petition has been filed challenging the order dated 03.07.2025 in EA NO.1 of 2025 in EP No.284 of 2023 in OS No. 314 of 2016 on the file of the II Additional sub Court, Madurai.



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2. The petitioner is the defendant in OS No.314/2016. The said suit was filed by the respondent/plaintiff for specific performance on the file of the II Additional Sub Court, Madurai alleging that the petitioner entered into an agreement of sale with the respondent and received Rs.5 lakhs and directing the defendant to execute the sale deed on receiving the balance of Rs.1,00,000/-. Since the sale deed was not executed, the respondent/plaintiff filed a suit for specific performance and the said suit was decreed exparte on 05.02.2019. Thereafter the petitioner/defendant filed IA No. 1/2024 for condoning the delay to set aside the exparte decree. However, the same was dismissed for default and hence, a petition was filed to set aside the order dismissing the petition for default. However, the trial Court proceeded with the execution proceedings and hence, the petitioner filed EA No.1 of 2025 under Section 47 of the Code of Civil Procedure to stay the execution proceedings on the ground that the petition for condoning the delay for setting aside the exparte decree was represented. However, EA No.1 of 2025 was dismissed. Challenging the same, the petitioner is before this Court.



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3. The learned counsel for the petitioner would submit that the petitioner parted some documents for the amount borrowed from the respondent, however, the respondent/plaintiff misused the same and had filed the suit and no notice was served on the petitioner and therefore, the petitioner has not filed any application in time. The learned counsel would further submit that admittedly on the basis of the exparte decree, the trial Court proceeded with the execution of sale deed in favour of the respondent. However, the petitioner is ready to deposit the entire sale consideration before the trial Court with 12% interest and this Court may therefore issue a direction to the trial Court to restore the suit back to file.

4. The learned counsel for the respondent vehemently contended that the suit was decreed exparte on 05.02.2019 and there was no proper explanation to condone the delay in setting aside the exparte decree and the same was dismissed for default and again the same was not represented and thereafter, he filed EA 1/2025 under Section 47 of the Code, which is impermissible and hence, the trial Court rightly dismissed the said application. On this ground, the learned counsel prays for dismissal.



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5. I have considered the rival submissions and perused the materials available on record.

6. The facts are not in dispute. Admittedly, the respondent filed the suit for specific performance on the ground that as if the petitioner entered into an agreement with the respondent and agreed to receive Rs.6 lakhs in which he received Rs.5 lakhs and the balance was not paid and hence, the suit. Whereas the petitioner claimed that for the amount received from the respondent, the petitioner has issued several signed blank papers and the security documents were misused by the respondent.

6. It is seen that the exparte decree was passed in the year 2019 and even the, the petitioner himself deposited the entire advance amount of Rs.5 lakhs. In order to strike the balance and to give opportunity to the petitioner to contest the case before the Court below, the order dated 03.07.2025 in EA No.1 of 2025 is set aside and the Civil Revision Petition is allowed on condition that the petitioner shall deposit a sum of



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Rs.6,60,000/- [Rs.5,00,000 + 12% interest] within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said amount, the trial Court is directed to restore the suit to file and dispose the same within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petition is closed.

18.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The II Additional sub Court, Madurai

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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**ORDER
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The Civil Revision Petition is listed under the caption, 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioner that this Court vide order dated 18.08.2025 directed the petitioner to pay a sum of Rs.5 lakhs with 12% interest, which comes to Rs.6,60,000/-, before the trial Court and on such payment being made, the trial Court was directed to restore the suit and dispose. However, the learned counsel would submit that the interest is to be calculated from 20.11.2014 to till date.

3. Accordingly, it is clarified that the petitioner is directed to deposit a sum of Rs.5,00,000/- with 12% interest from 22.11.2014 to till date. It is also reported that the petitioner has already paid a sum of Rs.5 lakhs and the balance of Rs.1 lakh shall be deposited before the trial Court. Accordingly, the petitioner shall pay the balance of Rs.1,00,000/- within a period of two weeks from the date of receipt of a copy of this



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order and on such deposit being made, the trial Court shall restore the suit and dispose as per the earlier direction given by this Court.

4. The Registry shall issue fresh copy of the order after making necessary corrections in the order.

29.08.2025

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IN
CRP(MD) No.2206 of 2025**

Date : 29/08/2025