



CRP(MD). No.2021 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Dated : 30/07/2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

**CRP (MD). No.2021 and 2047 of 2022 and  
CMP(MD) No.9249 and 9359 of 2022**

S.P.Sivakumar

... Petitioner

**Vs**

N.R.Mani

... Respondent

PRAYER in CRP(MD) No,2021/2022:-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 26-08-2022 made in I.A.No.1 of 2020 in O.S.No.50 of 2010 on the file of the Principal District Judge, Karur and direct to take the O.S.No.50 of 2010 on the file for fresh disposal on merits.

PRAYER in CRP(MD) No.2047/2022:-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the attachment order dated 26.08.2022 in I.P.No.61 of 2020 in O.S.No.50 of 2010 on the file of the Principal District Judge, Karur.

(in both petitions)

For Petitioner : Mr.G.Prabhu Rajadurai for  
Mr.J.Parekhkumar



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For Respondent : Mr.K.K.Kumaresan

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### **COMMON ORDER**

Since the parties in both petitions and the issue in both the petitions are one and the same, they were tagged and heard together and dispose of by this common order.

2. The petitioner is the defendant in OS No.50/2010. The said suit was instituted by the respondent for recovery of money. Though the petitioner herein filed written statement before the trial Court, it has not been properly contested and therefore, the suit was decreed exparte on 22.11.2011. Thereafter though the petitioner filed an application for setting aside the exparte decree in time, the same was returned and subsequently, the petitioner filed a petition with a delay of 2973 days in representing the petition for setting aside the exparte decree and the said IA NO.1 of 2020 was dismissed vide order dated 26.08.2022. Challenging the same, the petitioner has filed CRP(MD) No.2021/2022.



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3. On the basis of the exparte decree, the respondent initiated execution proceedings in EP No.61/2020 and the same was ordered on 26.08.2022. Challenging the said order of attachment, the petitioner is before this Court with CRP(MD) NO.2047 of 2022.

4. This Court, while granting interim order, directed the petitioner to pay Rs.2 lakhs vide order dated 18.10.2022. The said amount was also deposited before the trial Court on 12.07.2022.

5. When these Civil Revision Petitions are taken up for hearing, the learned counsel for the petitioner would submit that the petitioner is ready and willing to contest the suit and to show his bona fide, the petitioner is ready and willing to pay another Rs.5 lakhs before the trial Court, totalling Rs.7 lakhs out of Rs.11 lakhs enabling the petitioner to contest the suit. The said submission is recorded.

6. However, the learned counsel for the respondent vehemently contended that though the petitioner filed the petition for setting aside in



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time, the same was returned and there was a delay in representing the same and the said issue was properly considered by the trial Court and in the absence of any restrained order, the respondent has also filed the execution petition and the same was rightly ordered. Hence, he would submit that no interference is warranted to the orders impugned and prays for dismissal.

7. Considering the aforesaid submissions and the considering the fact that the petitioner is ready and willing to deposit Rs.5 lakhs apart from Rs.2 lakhs, which has already been deposited as per the direction of this Court, in the interest of justice and in order to give one opportunity to the petitioner, the trial Court is directed to restore the suit subject to the payment of Rs.5,00,000/- (Rupees five lakhs only) and take the same on file within a period of two weeks from the date of such payment. The petitioner shall pay the said amount of Rs.5 lakhs within a period of two weeks from the date of receipt of a copy of this order. The said amount of Rs.7,00,000/- shall be deposited in any nationalized bank in interest bearing account. Once the suit is restored, the trial Court shall allow the parties to contest the suit and pass appropriate orders on merits and in



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accordance with law within a period of six months from the date of such restoration. The trial Court shall permit the parties to contest the suit without insisting for any formal petition.

8. In view of the above, the Civil Revision Petitions are allowed and the orders dated 26.08.2022 in EP NO.61/2020 and IA No.1/2020 on the file of the Principal District Judge, Karur, stand set aside. No costs. Consequently connected Miscellaneous Petitions are closed.

**30.07.2025**

**NCC : Yes/No**

**Index : Yes/No**

**RR**

**TO**

1.The Principal District Judge, Karur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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**M.DHANDAPANI,J**

**RR**

**ORDER  
IN  
CRP(MD) Nos.2021 and 2047 of 2022**

**Date : 30/07/2025**