



CRP(MD). No.2959 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22/10/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2959 of 2025

Francis Xavier

... Petitioner

Vs

Karanataka Bank Limited,
Thiruverumbur Branch,
Represented by the Branch Manager,
No.61/3b, Ground Floor
Thanjavur Main Road,
Amman Nagar,
Thiruverumbur Branch,
Trichy.

... Respondent

PRAYER :-

Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the Fair and Decreetal order passed in IA No.1 of 2025 in OS No.176 of 2020 dated 19.08.2025 on the file of IVth Additional Sub Court, Thiruchirapalli and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr. M.Gnana Guru Nathan,
Advocate.



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ORDER

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This Civil Revision Petition is filed to set aside the Fair and Decreetal order passed in IA No.1 of 2025 in OS No.176 of 2020 dated 19.08.2025 on the file of IVth Additional Sub Court, Thiruchirapalli and set aside the same by allowing this Civil Revision Petition.

2. Learned counsel for the petitioner would submit that the petitioner had suffered an *ex parte* money decree in which the petitioner had filed an application to set aside the *ex parte* decree which was allowed by this Court but however on condition that the petitioner deposits a sum of Rs.1 Lakh to the suit account on or before 01.09.2024. He would submit that the petitioner has a substantial case in the money suit and therefore, the condition imposed is highly onerous. Hence, he seeks indulgence that the orders with regard to the condition imposed by the Court.

3. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

4. The petitioner was set *ex parte* and a decree came to be passed against him on 18.12.2024 holding that the petitioner is liable to pay a sum of



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Rs.6,03,557/- together with interest at the rate of 9% per annum from the date of the plaint till the judgment and decree and thereafter 6% interest was awarded. The petitioner had entered appearance earlier and contested the suit, had failed to cross examine P.W.1 on 05.12.2024 and therefore, he was set *ex parte* on the said date and thereafter the decree came to be passed on 18.12.2024. Eventhough the petitioner claims that he had to attend to the death that had occurred in the family, no reasons has been assigned to him as to why he has not taken any steps to set aside the *ex parte* decree before the next date of hearing. Therefore, this Court is of the view that the condition imposed upon the petitioner to set aside the *ex parte* decree in a money suit cannot be said to be onerous.

5. For the aforesaid reasons this Court does not find any reasons to interfere with the order impugned herein and accordingly this Civil Revision Petition stands dismissed. No costs.

22.10.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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K.KUMARESH BABU, J.

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To

1. The IVth Additional Subordinate Judge, Thiruchirapalli.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRP(MD) No.2959 of 2025

Date : 22/10/2025