



C.R.P.No.432 of 2024
and C.M.P.No.2075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.432 of 2024
and
C.M.P.No.2075 of 2024

P.Punitha Pakkianathan

... Petitioner

VS.

S.Periasamy

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 01.02.2023 passed in I.A.No.2 of 2025 in O.S.No.3220 of 2022, on the file of the XIV Assistant City Civil Court, Chennai.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.V.Sukumar

ORDER

Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking leave to defend the suit.



C.R.P.No.432 of 2024
and C.M.P.No.2075 of 2024

2. The respondent herein filed a suit seeking recovery of money based on promissory note under Order XXXVII Rule 1 of CPC. It is the case of the respondent that the petitioner herein borrowed a sum of Rs.3,00,000/- initially and executed a promissory note dated 25.04.2018 and agreed to pay interest at the rate of 10% per annum. In spite of several demands made by the respondent/plaintiff for the borrowed amount, the petitioner has not come forward to pay the amount and hence a summary suit was laid seeking recovery of money based on promissory note.

3. Since the respondent laid a suit as summary, the petitioner filed an application seeking leave to defend the suit. In the affidavit filed in support of the said application, it was stated by the petitioner that she borrowed a sum of Rs.3,50,000/- from the respondent during the period 2016-2020 and she paid the principal amount along with interest. It is further stated that the petitioner has paid exorbitant interest which is exceeding the amount paid to her. It is further stated by the petitioner that the respondent entered the chit scheme run by the petitioner, the respondent was declared as successful bidder and she has to pay amount as per contract under the chit transaction.



C.R.P.No.432 of 2024
and C.M.P.No.2075 of 2024

4. Though the petitioner claims that she has paid the entire amount

along with interest during the period 2016-2020, she has not produced any document along with petition seeking leave to defend to substantiate the plea of discharge. The petitioner clearly admitted she borrowed Rs.3,50,000/- from the respondent/plaintiff, the execution of promissory note has not been denied in the affidavit of the petitioner. The only defence raised by her is that amount has been paid with interest. However, to substantiate her claim she has not produced any documents.

5. In such circumstances, the trial Court rightly came to the conclusion that the petitioner failed to raise any substantial defence and therefore, she is not entitled to leave to defend. I do not find any error in the impugned order.

6. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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C.R.P.No.432 of 2024
and C.M.P.No.2075 of 2024

S.SOUNTHAR, J.

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To

The XIV Assistant City Civil Court,
Chennai.

C.R.P.No.432 of 2024

05.02.2026

4/4