



WEB COPY

CRP No. 767 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 767 of 2026

AND

CMP NO. 4021 OF 2026, CMP NO. 4744 OF 2026

1. Sekar Anand
S/o. T.Dhanasekaran (late)
No.8/21, Bakthavatchalam Street,
Tiruvallvar Salai,
Vannia Teynampet,
Chennai 600 018
2. Sekar Vijay
S/o.T.Dhanasekaran (Late)
res at NO.8/21, Bakthavatchalam Street
Tiruvallvar Salai,
Vannia Teynampet
Chennai-600018

..Petitioner(s)

Vs

1. M.Ramesh
S/o.Manoharan,
20/90, Adam Street,
Mylapore,
Chennai 600 004
2. The Joint Sub Registrar-I,
Bharathi Salai, (Pycrofts Road)
Royapettah,
Chennai-600014

..Respondent(s)

**PRAYER**

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the order dt. 09.01.2026 in so far as it relates to imposing a condition of depositing Rs.5,00,000/- passed in CMA No. 29 of 2026 against IA No. 5 of 2023 in O.S No. 1623 of 2023 on the file of III Assistant City Civil Court, Chennai and allow the CMA No. 29 of 2024 on the file of VI Addl. City Civil Court, Chennai.

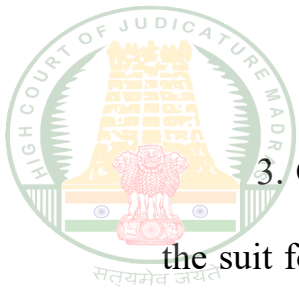
For Petitioner(s): Mr. S.Pushpakaran

For Respondent(s): Ms.S.Yogalakshmi
Addl. Government Pleader for R2
Mr.Santhosh Kumar Ravi
for R1

ORDER

While allowing C.M.A., the first appellate court had imposed a condition of depositing Rs.5,00,000/- in C.M.A.No.29 of 2024, which is under challenge.

2. Before the trial court, the defendants 1 and 2 filed an application in I.A.No. 5 of 2023 in O.S.No.1623 of 2018 praying to set aside the exparte decree passed against them. The said application was dismissed. Against which, they preferred the Civil Miscellaneous Appeal. In the meanwhile, to condone the delay of 120 days, the application was filed by them and the same was allowed, but while allowing C.M.A., the first appellate judge passed a conditional order to pay a sum of Rs.5,00,000/-. As the condition is onerous one, they preferred this Civil Revision Petition.



3. On perusal of records, the fact reveals that the 1st respondent had filed the suit for recovery of money of Rs.7,79,000/- against the revision petitioners.

In the suit, they have filed written statement, but thereafter, they remained exparte. Therefore, to set aside the exparte decree, they have filed the application and the same was dismissed. Against which, they preferred an appeal and the appeal was allowed with a condition to deposit a sum of Rs.5,00,000/-, however, their claim is to be proved, without which the passing of conditional order is non-est in the eye of law. Therefore, this court is inclined to set aside the conditional order of depositing a sum of Rs.5,00,000/- passed in C.M.A.No.29 of 2024 passed by the VI Additional Judge, City Civil Court, Chennai, but on seeing the conduct of parties, after filing of the execution petition, they came forward with the said application to set aside the exparte decree, but the execution petition was adjourned on various dates from the year of 2018. In the year 2018, the exparte decree was passed. Considering that, the revision petitioners are directed to pay a cost of Rs.5,000/- to the respondent within a period of three weeks from the date of receipt of copy of this order and the application filed in I.A.No.5 of 2023 is ordered to be allowed. Suit is also directed to be disposed of within a period of twelve weeks. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petitions are closed.

09-06-2026



Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The III Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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