



WEB COPY



CRP No. 951 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 951 of 2026
and CMP No.5078 of 2026**

1. Sira Finance (HUF)
Rep by its Mr.Kamal Nayan,
S/o.S.Harakchand, No.810, Anna Salai,
Chennai 600 002

Petitioner(s)

Vs

1. Homa Samanvitha Saminathan
D/o.Late.P.S.Saminathan, Rani Meyyammai
Tower, Flat No.6A and 6B, 6th Floor, 5th
Block, Old no.66, New No.90, Phase II,
Sathyadev Avenue, M.R.C.Nagar,
R.A.Puram, Chennai 600 028

2.Varma and Company
Egmore Benefit Society Ltd Building Third
Floor, New NO.25, Old NO.13, Flowers
Road, Chennai 600084

Respondent(s)

Revision filed under Section 115 of Civil Procedure Code to set aside the order and decretal order dated 19.12.2025 passed in I.A.No.4 of 2025 in O.S.No.3450 of 2021 on the file of V Assistant City Civil Court, Chennai.

For Petitioner(s): B.Arvind Srevatsa

For Respondent(s): No appearance



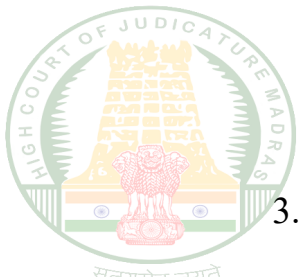
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ORDER

Challenging the impugned order passed in I.A.No.4 of 2025, the first defendant has filed the above revision.

2. As directed by the trial Court in I.A.No.2 of 2021 in O.S.No.3450 of 2021 dated 26.04.2021, the 1st respondents/plaintiff has deposited a sum of Rs.12,50,000/- (Rupees Twelve Lakhs Fifty Thousand Only). Thereafter, a suit in O.S.No.3450 of 2021, filed by the 1st respondent/plaintiff was struck off by this Court in CRP No.1343 of 2021 dated 17.11.2022 stating that it is a clear case of abuse of process of law. Thereafter, the revision petitioner/first defendant has filed I.A.No.4 of 2025 to withdraw the said amount as he is a secured debtor by way of registered mortgage deed dated 03.10.2008 and according to him the first respondent/plaintiff is bound to pay a sum of Rs.4,00,00,000/- (Rupees Four Crores only) and he wants to withdraw the same as he is a secured debtor. The trial Court dismissed the application holding that already a suit for redemption was filed by the 1st respondent/plaintiff in O.S.No.4993 of 2021 which is pending before the IV Additional City Civil Court, Chennai and therefore the claim made by the first defendant was dismissed. Aggrieved by the same, the present revision has been filed.



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3. Learned counsel for the petitioner submits that O.S.No.4999 of 2021 was already dismissed on 20.06.2024 and as on date, the suit for redemption of mortgage was not in force and in such circumstances, the petitioner is entitled to receive the said amount which was deposited by the plaintiff in the suit.

4. No representation for the respondents.

5. On perusal of the records, as on date the petitioner/1st defendant has also not approached for recovery of the claim from the plaintiff/first respondent herein, but, however, as secured creditor, he relied on the registered mortgage deed dated 03.10.2008. Therefore, the amount lying in O.S.No.3450 of 2021 pending before V Additional City Civil court is ordered to be attached until the revision petitioner/1st defendant gets necessary orders from the appropriate forum.

6. With the above direction, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The V Assistant City Civil Court, Chennai.

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