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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

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THE HONOURABLE MR JUSTICE P.B.BALAJI

CRP.No.3962 of 2025

and

CMP.No.20776 of 2025

1.Baskaran

2.Thamaraiselvi

... Petitioners

Vs.

M/s.Shriram City Union Finance Ltd.,
Represented by its Authorized
Signatory, D.Senthilkumaran
Manager Legal Having their office at
No.123, Angappan Naicken St, Chennai 600 001
And it's inter alia branch, Sorrento Building
I Floor, No.6, L.B.Road, Adyar,
Chennai 600 020.

... Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the docket order in E.A.No.2 of 2023 in E.P.No.151 of 2021 on the file of the IV Additional District and Sessions Judge, at Ponneri, Thiruvallur dated 01.07.2025.

For Petitioners : Mr.UM.Ravichandran
For Mr.G.Jaisivaramaraj

For Respondent : Mr.J.Vicraman



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ORDER

Heard Mr.UM.Ravichandran, learned counsel for the petitioners and Mr.J.Vicraman, learned counsel for the respondent.

2. The petitioner is aggrieved by the onerous condition directing the payment of Rs.2,00,000/- as costs for allowing an application to set aside an exparte order passed in E.P.No.151 of 2021.

3. Mr.UM.Ravichandran, learned counsel for the petitioner, drew my attention to the impugned order, which records the 'No objection' endorsed by the respondent Chit Fund Company (Decree Holder). Despite the endorsement, the Court proceeded to direct the payment of Rs.2,00,000/- within a period of 10 days. The petitioner is aggrieved only by the quantum of costs imposed.

4. The learned counsel for the petitioner further relied on an order dated 11.01.2024 passed by this Court in *Somu vs. Anandhaselvi*¹, wherein, this Court held that an onerous condition, in the nature of deposit of the 80% of the decree amount, cannot be ordered as a condition for setting aside the

¹ C.R.P.(NPD).No.2703 of 2021



an exparte decree. This Court modified the cost to Rs.5000/-.

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5. The learned counsel for the respondent would, however, state that the petitioner is in substantial arrears of more than 13,50,000/- and since, the amount remains still due and payable, the Executing Court committed no error in awarding cost of Rs.2,00,000/-.

6. I have considered the submissions advanced by the parties.

7. The Hon'ble Supreme Court of India as well as this Court have come down very heavily on Courts passing onerous conditions, while granting an opportunity to an aggrieved party seeking condonation delay or to set aside the exparte orders. It is in this regard that the order of Executing Court has been challenged in the present revision petition as well. Considering that the Executing Court has not assigned any special circumstances for imposing cost of Rs.2,00,000/- that too when the respondent had expressed 'no objection' to the application being allowed on payment of costs, the order is clearly unsustainable and onerous and liable to be modified suitably.



8. Considering the amounts due and payable as on date, I am inclined to pass the following orders:

- (1) The order dated 01.07.2025, allowing E.P.No.2 of 2023, is confirmed, however, the cost portion is modified to Rs.25,000/-. The modified cost shall be paid to the respondent's counsel within a period of two (2) weeks from the date of receipt of a copy of this order.
- (2) On such payment, the exparte order in E.P.No.151 of 2021 shall stand set aside. The Executing Court shall then proceed to dispose of the EP on merits and in accordance with law along with any pending application that may have been filed by the petitioner questioning the executability of the decree on the ground that the award has been passed based on unilateral appointment of an arbitrator.
- (3) The Executing Court shall consider the contentions, claims and objections of both parties and decide the EP on merits and also taking into account the objections of the petitioner that the award cannot be executed, since it is in pursuance of unilateral appointment of the arbitrator.
- (4) The EP shall be disposed of by 30.04.2026 without seeking any further extension of time.



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9. In result, this Civil Revision Petition stands disposed of in the above terms. Consequently, the connected Miscellaneous Petition is closed.

No costs.

27.01.2026

Index :yes/no
Internet :yes/no
Neutral Citation :Yes/No
Speaking/Non-Speaking Order

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To

The IV Additional District and Sessions Court,
Ponneri, Thiruvallur.



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