



MASTER
10.02.2026

JUDGMENT

1. This summary suit has been filed under Order VII Rule 1 of Original Side Rules read with Order XXXVII Rule 1 of CPC to pass a judgment and decree directing the 1st defendant to pay the plaintiff a sum of Rs.82,80,979/- (Rupees Eighty Two Lakhs Eighty Thousand Nine Hundred and Seventy Nine only) along with interest at the rate of 24% per annum on the principal sum of Rs.68,00,822/- (Rupees Sixty Eight Lakhs Eight Hundred and Twenty Two only) from the date of plaint to till the date of payment. And to direct the 2nd defendant to pay the plaintiff a sum of Rs.43,79,506.85/- (Rupees Forty Three Lakhs Seventy Nine Thousand Five Hundred and Six and Eighty Five paise only) along with interest at the rate of 24% per annum on the principal sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) from the date of plaint to till the date of payment.

2. After filing of the suit, summons were served on the defendants 1 and 2 on 05.12.2025. The defendants entered their appearance on 06.01.2026 before this Court and the learned counsel for the defendants submitted that they are yet to represent the vakalat which was returned and no leave to defend application filed and they are intending to file leave to defend application. Despite sufficient opportunity the defendants was not vigilant enough to file any leave to defend application along with condone delay application and even today when the matter came up for hearing the Junior Counsel for the defendants represented that they have filed leave to defend application on 06.02.2026 along with condone delay application which is yet to be numbered. Whereas, on perusal of the endorsement made by the Registry it is seen that the said application was returned and no steps were taken by the defendants to represent the same. This conduct of the defendants cannot be entertained, when the



statute itself has given a time limit of 10 days from the date of service's summons upon the defendants for filing leave to defend application.

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3. Now the point to be decided is whether the plaintiff is entitled to a decree as prayed for against defendants 1 and 2 ?

4. At this juncture, it is useful to point out the relevant provisions of the procedure laid in **Madras High Court Original Side Rules** to try summary suits.

Order VII Rule 1 runs as under

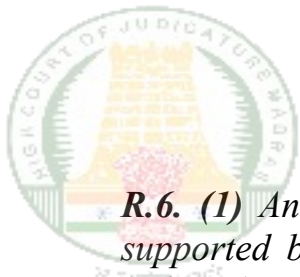
R.1. A suit to recover a debt or a liquidated demand in money, evidenced by a document, or any money payable by the defendant with or without interest, arising on a negotiable instrument or on a bond or a contract for payment of a liquidated amount of money evidenced by a document, or on a guarantee where the claim arises against the principal in the manner aforesaid, may, in case the plaintiff desires to proceed hereunder, be instituted by presenting a plaint in the form prescribed.

For the purpose of this order "Liquidated demand" means a demand for the amount stated or so expressed that the ascertainment of the amount is a mere matter of calculation.

Order VII Rule 5 runs as under

R.5. In any case in which the plaint and summons are in the form prescribed in this order, the defendant shall not defend the suit unless he obtains leave to defend from the Master as hereinafter provided. In default of the defendant obtaining such leave, or if he fails to defend in pursuance of such leave, the allegations in the plaint shall be deemed to be admitted and the plaintiff shall be entitled to a decree for the sum claimed in the plaint, and in cases where interest is payable either by contract or statute, interest till the passing of the decree and further interest at six percent per annum from the date of the decree to the date of payment, and such sum for costs as may be prescribed.

Order VII Rule 6 runs as under



R.6. (1) *An application for leave to defend the suit shall be made to the Master supported by such evidence by way of affidavit as the defendant desires to place before the Court.*

(2) *Leave to defend may be given unconditionally or subject to such terms and directions as the Master thinks fit.*

(3) *The Master shall, (a) if the defendant does not appear, on proof by affidavit of service of the summons on the defendant, or (b) if leave to defend is not granted, pass a decree for the amount claimed and costs.*

5. As per original side rules of Madras High Court, in any case which is tried summarily in which the plaint and summons are in the form prescribed in this order, the defendant shall not defend the suit unless he obtains leave to defend from the Master. In default of the defendant, the allegations in the plaint shall be deemed to be admitted and the plaintiff shall be entitled to a decree for the sum claimed in the plaint.

6. Further, if the defendant does not appear, on proof of affidavit of service on the defendant, the Master shall pass a decree for the amount claimed in the plaint with the cost.

7. In the case in our hand, after receiving summons, the defendants 1, 2 and 4 did not appear and did not take any steps to file application for obtaining leave to defend the suit as per Madras High Court Original Side Rules. Since, the defendants 1 and 2 having entered their appearance has not till date acted diligently by taking proper steps to get the leave to defend application numbered. In such circumstances, this court is of opinion that the averments in the plaint are deemed to be admitted and the plaintiff is entitled to Decree and Judgment as prayed for.

In the result, this suit is decreed directing the 1st defendant to pay the plaintiff a sum of Rs.82,80,979/- (Rupees Eighty Two Lakhs Eighty Thousand Nine Hundred and Seventy Nine only) along with interest at the rate of 18% per annum on the



principal sum of Rs.68,00,822/- (Rupees Sixty Eight Lakhs Eight Hundred and Twenty Two only) from the date of plaint to till the date of decree and 6% per annum for the amount of Rs.68,00,822/- (Rupees Sixty Eight Lakhs Eight Hundred and Twenty Two only) from the date of the decree to till the date of realization. And the 2nd defendant is directed to pay the plaintiff a sum of Rs.43,79,506.85/- (Rupees Forty Three Lakhs Seventy Nine Thousand Five Hundred and Six and Eighty Five paise only) along with interest at the rate of 18% per annum on the principal sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) from the date of plaint to till the date of decree and 6% per annum for the amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) from the date of the decree till the date of realization and the costs of this suit as fixed by the taxing officer.

MASTER