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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 7026 of 2026 and

Case QR

CMP No.30247 of 2026

CNR: {HCMA012521852026}

Indian Bank
Mylapore Branch,
No.21, North Mada Street,
Mylapore, Chennai 600004

Now transferred to Stressed Assets Management
Branch, No.55, Ethiraj Salai, Egmore,
Chennai-04.

..Petitioner(s)

Vs

1. Billy Graham, S/o. S.George Ratnam,
   New No.4, Old No. 19, 6th Street
   A Block, Anna Nagar East,
   Chennai 600102

2. Annie Beaulah, W/o. Billy Graham,
   New No.4, Old No. 19, 6th Street
   A Block, Anna Nagar East,
   Chennai 600102

3. M/s Vee U associates (P) Ltd rep by its Director
   2nd Floor, No.73, Arcot Road, Kodambakkam,
   Chennai 600024

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4. K.L. Vasanthakumar
   Flat No. 8, Thallam Garden,
   New Avadi Road, Kilpauk,
   Chennai 600010

5. R. Sankararama Subramanian
   No. 8/1, Aziz Nagar,
   1st Street, Kodambakkam,
   Chennai 600024

6. T.S.Sankaran
   No. 30, Kennedy 1st Street,
   Mylapore, Chennai 600004

7. Vijayaraghavan
   No. 3/272, 1st Street
   Subramaniya Nagar,
   Madipakkam, Chennai 600090

8. Sarma,
   B.V.N no. 9, Dhamodaran Street,
   Kellys, Chennai 600010

9. B. Ravishankar
   E-1, 19/28, IIT Campus,
   Chennai 600036

10. M.Ramesh
    Flat No. 606, 1st Floor,
    Tiruveni Apartments, Berracah Road,
    Kellys, Chennai 600010

11. B. Seetharam
    No.9, Dharmodaran Street,
    Kellys, Chennai 600010

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12.B. Bhuvaneswari
No.9, Dharmodaran Street,
Kellys, Chennai 600010

13.R.E. Balasubramanian
VGP Layout, No. 99,
Lenin Street, Uthandi,
Chennai 600119

14.C. Geeta,
L-302, Artlum, 23,
Kalashetra Road, Thiruvanmiyur,
Chennai 600041

15.C. Bhargavi,
L-302, Artlum, 23,
Kalashetra Road, Thiruvanmiyur,
Chennai 600041

16. C. Surender,
23, Kalashhetra Road,
Thiruvanmiyur,
Chennai 600041

17.Mani Thirumoorthy
No. 2 B, Topavan Complex
Karadimandal Road,
Next to KG MIII, Madampatti Village,
Coimbatore 641 010

18.K.L. Srinivasalu
No. 4 M, Mandira Apartment,
23 C, North Boag Road,
T. Nagar, Chennai 600017

19.N. Srikanth
No.44, Lakshminarayana Street
West Mambalam, Chennai 600033

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20. Arthur Taylor
No.19, Raja street,
Kalyani Nagar Kottivakkam,
Chennai 600004

21. Taylor Financial services,
1NC rep by Mr. Arthur Taylor
17130 Military Road,
Bennington, NE 68007 USA

22. Reliance Asset Reconstruction Company Ltd
Reliance Centre, North Wing,
6th Floor, Off Western Express Highway,
Santacruz East, Mumbai 400055.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 115 of CPC to set aside the Order dated 1.9.2026 passed in I.A.No. 12 of 2026 in O.S.No. 6791 of 2021 by the XIX Additional City Civil Court, Chennai.

For Petitioner(s): Mr.T.Sundar Rajan

For Respondent(s): Ms.Rekha

ORDER

This civil revision petition has been file challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/1st defendant seeking to condone the delay of 70 days in filing an application to set aside the exparte decree dated 28.04.2025.

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2. The respondents 1 and 2/plaintiff filed a suit against the petitioner and other respondents seeking declaration that guarantee given by the 1st respondent/1st plaintiff to the petitioner bank/1st defendant and the equitable mortgage by deposit of title deeds under the memorandum dated 20.12.2006 executed by the plaintiffs in favour of the petitioner bank /1st defendant stood discharged and for consequential relief, directing the petitioner bank/1st defendant to deliver the title deeds of the suit property, by cancelling the memorandum of equitable mortgage to the plaintiffs. They also sought for other incidental reliefs. The said suit was decreed exparte on 28.04.2025. The petitioner/1st defendant filed an application to set aside the exparte decree along with a petition to condone the delay of 70 days in filing the above said application. These applications were filed during August 2025. By the impugned order, the Trial Court dismissed the applications. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioner by taking this Court to the affidavit filed by the petitioner in support of the condone delay petition would submit that the suit was originally filed before the High Court and the petitioner bank entered appearance and also filed an application to reject the plaint on the ground that the suit was barred by the provisions of the SARFAESI Act. Subsequently, the suit was transferred from the file of the High Court to the

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City Civil Court. In the meantime, the loan account of the 3rd respondent/2nd defendant was transferred to the 22nd respondent company, which was arrayed as the 21st defendant in the suit. It was submitted that the petitioner bank was under genuine impression that the assignee of the loan account would conduct the case and hence, the petitioner bank did not file a written statement. It is further submitted that after receipt of legal notice dated 10.07.2025, the petitioner bank came to know about the exparte decree passed against the petitioner and after verification of records, it came to light that the 22nd respondent did not take any steps to contest the suit and allowed it to be decreed exparte. The learned counsel vehemently contended that the petitioner failed to file written statement and contest the case only on the bonafide impression that the assignee of the loan would take care of the litigation and immediately after acquiring knowledge about the exparte decree, the instant application has been filed.

4. The learned counsel for the contesting respondents 1 and 2/plaintiffs would vehemently contend that apart from declaration regarding discharge of the mortgage and prayer for return of title deeds, the respondents 1 and 2 also prayed for a direction to all the defendants to pay a sum of Rs.10,00,000/- as damages for loss of income to the plaintiffs in their business. In the light of the said prayer in the suit, the averments made by the petitioner, as if it believed

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that the assignee of the loan would take care of the litigation is not acceptable. It is also submitted that the petitioner was aware that the 22nd defendant/21st defendant failed to contest the suit and hence, the applications filed by the petitioner to set aside the exparte decree along with a delay of 70 days is not condonable.

5. It is seen from the averments found in the condone delay petition that initially the suit was filed before the High Court and the petitioner bank/1st defendant entered appearance and filed an application to reject the plaint. It appears that the application for rejection of the plaint was dismissed and the petitioner bank immediately informed the assignee to take steps to file a revision as against the said order. It is also asserted that by way of assignment agreement dated 28.09.2018, the loan account of the 3rd respondent/2nd defendant was transferred in favour of the 22nd respondent. The respondents 1 and 2/plaintiffs are guarantors and they mortgaged their property with the bank by deposit of title deeds as a surety to the loan facilities extended to the 3rd respondent. Since the loan account has been assigned in favour of the 22nd respondent, the petitioner probably lost interest and failed to follow up the litigation on the belief that the assignee would take care of the suit.

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6. Having regard to the averments made in the affidavit filed in support of the condone delay petition, nature of reliefs sought for in the plaint, length of delay and facts and circumstances of the case, this Court is inclined to take a liberal view of the matter and to give one chance to the petitioner bank to contest the case on merits, however, by putting the petitioner bank on terms.

7. In the light of the above, this civil revision petition stands allowed on condition the petitioner deposits a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of O.S.No. 6791 of 2021 on the file of the XIX Additional City Civil Court, Chennai, **within a period of two weeks from today.** The respondents 1 and 2 are permitted to withdraw the said amount by making an appropriate application before the Trial Court. In case, the petitioner failed to deposit the said amount, within the stipulated time, this civil revision petition shall stand dismissed automatically without further reference to this Court. On deposit of the amount as directed, this civil revision petition stands allowed and the Trial Court is directed to the take up the application under Order IX Rule 13 and dispose of it in accordance with law. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The XIX Additional Judge,

City Civil Court, Chennai.

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S.SOUNTHAR, J.

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