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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 749 of 2026
C.M.P.No.3929 of 2026
CNR: {HCMA012870242025}

S.Sundaram
Case QR
..Petitioner(s)

Vs

Srinivasan

..Respondent(s)

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to call for the records pursuant to the order and decree made in I.A.No.2 of 2023 in O.S.No.5550 of 2023 dated 30.06.2025 by the learned IV Additional Judge, City Civil Court, Chennai.

For Petitioner(s): Mr.G.Saravanan

For Respondent(s): Mr.K.G.Raghunath

ORDER

The Civil Revision Petition has been filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking leave to defend the summary suit filed by the respondent.

2.The respondent herein filed a suit seeking recovery of the balance amount based on a loan transaction. According to the respondent, the petitioner

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borrowed a sum of Rs.17,37,000/- from him, agreeing to repay the same with 9% interest per annum. It was also stated that the respondent paid the said amount by way of three cheques on different dates. It was further averred by the respondent in his plaint that the petitioner / defendant had repaid a sum of Rs.12,00,000/- towards the amount due to him. As the petitioner failed to pay the remaining amount, the suit was filed for recovery of the balance principal amount together with proportionate interest. The total amount claimed by the respondent in the suit was Rs.13,04,533/-. The suit was laid by the respondent as a summary suit under Order XXXVII of the Code of Civil Procedure.

3.After entering appearance, the petitioner / defendant filed an application seeking leave to defend. It was his case that there was no loan transaction between the petitioner and the respondent. The petitioner claimed that the respondent's father-in-law, Ramanaiah, borrowed a sum of Rs.15,00,000/- from the petitioner during August 2016 and he did not repay the same. It was also claimed that Ramanaiah informed the petitioner that he had borrowed the amount only for the benefit of the respondent / plaintiff, and hence, the respondent would repay the amount with interest. Hence, at the request of the petitioner, the respondent repaid the amount due to the petitioner by way of three cheques, and the said cheque payments have been relied upon by the respondent to file the present suit. It was also claimed by the petitioner that, subsequently, the respondent borrowed a sum of Rs.12,00,000/- from him on

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09.02.2021. But he failed to repay the same. Hence, the petitioner sent a letter to the respondent on 10.07.2023 calling upon him to return the amount. However, there was no reply from the respondent. In such circumstances, the petitioner received suit summons as if petitioner borrowed the amount from the respondent and failed to repay the full amount. On these allegations, the petitioner sought leave to defend the suit. However, by the impugned order, the trial Court dismissed the leave petition. Aggrieved by the same, the petitioner has come before this Court.

4.The learned counsel for the petitioner by relying on the documents filed as Ex.P1 to Ex.P4 before the trial Court would submit that the averments of the petitioner in the affidavit, coupled with the document filed by him, make out a triable issue and without appreciating the same in proper perspective, the trial Court dismissed the leave to defend petition.

5.The learned counsel for the respondent would submit that the petitioner by making false averments as if respondent's father-in-law borrowed an amount from the petitioner and subsequently, the respondent himself borrowed money from the petitioner, attempting to create an illusory defence. According to him, the claim made by the petitioner is a concocted one and the trial Court rightly refused leave to defend.

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6.The respondent herein filed the suit seeking recovery of the amount based on the cheque payments made by him towards a loan transaction. However, it is the case of the petitioner that those cheques were issued by the respondent to discharge the loan borrowed by the respondent's father-in-law, namely, the above mentioned Ramanaiah. In fact, even prior to filing of the suit, the petitioner sent a registered letter to the respondent calling upon him to repay the amount borrowed by him. The said letter dated 10.07.2023 has been marked as Ex.P3 and the postal acknowledgment card has been marked as Ex.P4. Therefore, it is clear that even prior to the filing of the suit by the respondent there was correspondence between the petitioner and the respondent regarding the loan transaction alleged by the petitioner / defendant in the leave petition. Whether the loan transaction with Ramanaiah and the respondent / plaintiff pleaded by the petitioner are true or not is a matter for evidence. Ex.P3 registered letter sent by the petitioner to the respondent calling upon him to pay the loan amount received by him came into existence even prior to the filing of the suit by the respondent and prior to the issuance of any notice by the respondent regarding the suit. Therefore, while perusing the plaint documents and also documents marked by the petitioner as Ex.P1 to Ex.P4 in support of his leave to sue petition would make it clear that the letter relied on by the petitioner is the earliest one. The trial Court rejected Ex.P3 as a self serving document. When Ex.P3 was issued by the petitioner even prior to the issuance of a legal notice by the respondent, we cannot jump to the conclusion that Ex.P3

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was a self serving document. A document which came into existence prior to the exchange of notices between the parties and filing of the suit cannot be brushed aside very lightly. In view of the same, this Court feels that the petitioner has made out a triable issue. Taking into consideration the facts and circumstances of the case and the documents available on record, this Court is inclined to grant leave to the petitioner by putting him on terms.

7.In the light of the discussions made above, the Civil Revision stands allowed and the impugned order passed by the trial Court dismissing the leave to defend petition is set aside on condition that the petitioner deposits a sum of Rs.5,00,000/- to the credit of O.S.No.5550 of 2023 on the file of IV Additional Judge, City Civil Court, Chennai, on or before 15.12.2026. Failing which the Civil Revision Petition shall stand automatically dismissed. On deposit of the amount as directed, the Civil Revision Petition stands allowed as indicated above. No costs. Consequently, connected Civil Miscellaneous Petition stands closed.

17-11-2026

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

EP
To:-
IV Additional Judge, City Civil Court,
Chennai.

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S.SOUNTHAR, J.

EP

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