



WEB COPY

CRP.No.6297 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.6297 of 2025
and CMP. No.31238 of 2025**

Indrapriyan

Petitioner(s)

Vs

Bank of Baroda (e-Vijayabank),
Kodambakkam Branch,
No.10, First Main Street,
united India Colony,
Chennai – 600 024.
Rep. by its Branch Manager,
IFSC Code:BARRB0KODAMB

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, 1908, to set aside the fair and decreetal order in I.A. No.3 of 2024 in O.S. No.1778 of 2023 dated 22.10.2025 passed by the learned II Additional City Civil Court at Chennai.

For Petitioners : Mr.B.Gopalakrishnan
For Respondent : Mr.R.Sreedhar
Panel Advocate

ORDER



The Defendant in O.S.No. 1778 of 2023 is the revision petitioner.

The revision is directed against dismissal of I.A.No. 3 of 2024 for setting aside the ex- parte decree under Order XXXVII Rule 4 of the Code of Civil Procedure.

2.I have heard Mr.B.Gopalakrishnan, learned counsel for the revision petitioner and Mr.R.Sreedhar, learned Panel Advocate for the respondent Bank.

3. The learned counsel for the revision petitioner would invite my attention to the impugned order in I.A.No.3 of 2024, where the Trial Court has held that in order to seek setting aside the ex-parte decree as well as condonation of delay, only one petition has been filed and on that ground has proceeded to non-suit the revision petitioner. In this context, learned counsel for the petitioner would bring to my notice that I.A. No. 1 of 2023, was in fact filed for condonation of delay in taking out the application under Order 9 Rule 13 CPC and the same was also allowed by the Court on 21.08.2024 subject to payment of costs of Rs.2,000/-. He would further state that only upon complying with the conditional order, I.A.No.1 of 2023 was allowed and thereafter I.A.No. 3 of 2024 was even numbered. The learned counsel would therefore pray for the revision being allowed.



4. Per contra, Mr.R.Sreedhar, learned Panel Advocate for the respondent bank would fairly state that in view of the apparent error committed by the Trial Court in not noticing the earlier order in I.A.No. 1 of 2023, the respondent has no serious objection for the revision being allowed. However, the learned counsel would seek for expeditious disposal of the suit.

5. I have considered the submissions advanced by the learned counsel on either side. I have also gone through the records.

6. The order in I.A.No. 1 of 2023, is enclosed in the typed set of papers. The delay, by order dated 14.08.2024, in filing the Order 9 Rule 13 application has been condoned, subject to payment of costs of Rs.2,000/- on or before 20.08.2024. The costs has been paid on 19.08.2024 and thereafter, I.A.No.1 of 2023 has also been allowed. It is only thereafter that the Order 9 Rule 13 petition has even been numbered in I.A.No.3 of 2024.

7. In the light of the above, the reasoning of the Trial Court is clearly fallacious and being the sole ground on which the application has

P.B.BALAJI, J.,

been dismissed, the petitioner is entitled to succeed. In fine, this Civil



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Revision Petition is allowed, the order in I.A.No.3 of 2024 dated 22.10.2025 is set aside and consequently the ex- parte decree in O.S.No. 1778 of 2023 is set aside. The Trial Court shall ensure that pleadings are completed if not already, within a period of two (2) weeks from the date of receipt of the copy of this order and thereafter, shall proceed to frame issues within one week, thereafter and shall expedite the trial and dispose of the suit preferably on or before, 30.06.2026. Consequently, connected Miscellaneous Petition is also closed. No costs.

08.01.2026

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

The II Additional City Civil Court at Chennai.

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