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CRP.(PD)No.4182 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.09.2025

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THE HONOURABLE MR.JUSTICE **M.JOTHIRAMAN**

CRP.(PD)No.4182 of 2025

and

C.M.P.No.21487 of 2025

G.K.Changali

.. Petitioner

.Vs.

B.Bramaramba

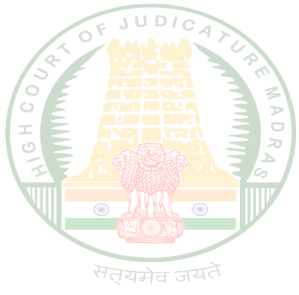
.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decreetal order dated 25.08.2025 passed in I.A.No.6 of 2025 in O.S.No.367 of 2019 on the file of the 5th Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.A.C.Kumafragurubaran

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 25.08.2025 passed in I.A.No.6 of 2025 in O.S.No.367 of 2019 on the file of the 5th Assistant Judge, City Civil Court, Chennai.

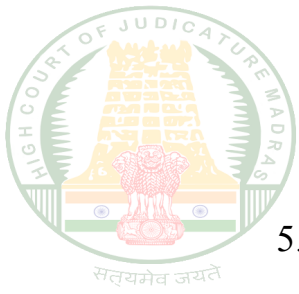


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WEB COPY 2. The respondent herein is the plaintiff in O.S.No.367 of 2019 on the file of the 5th Assistant Judge, City Civil Court, Chennai, filed the suit for recovery of money. In the said suit, the petitioner herein filed I.A.No.6 of 2025 in O.S.No.367 of 2019 under Order XXXVII Rule 3 (5) of CPC to grant unconditional leave to defend the suit in O.S.No.367 of 2019. The above said Interlocutory Application was allowed on condition to deposit a sum of Rs.4,04,681/- on or before 02.09.2025, failing which, the said application shall stand dismissed automatically .

3. Aggrieved over the same, the present civil revision petition has been filed before this Court.

4. It is stated in the affidavit that the respondent/plaintiff has filed summary suit in O.S.No.367 of 2019 on the file of the 5th Assistant Judge, City Civil Court, Chennai against the first defendant and her husband, the second defendant to recover a sum of Rs.8,09,362/- together with interest sat 18% p.a.



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5. The learned counsel appearing for the petitioner would submit that the defendant never borrowed any money either from the plaintiff or from her husband. However, to have a wrongful gain the plaintiff in a fraudulent manner created the fraudulent promissory note. To strengthen the contention of the learned counsel, he relied upon the Judgment of this Court in CRP.(NPD)Nos.2383 to 2419 of 2015 and etc batch dated 13.02.2018, to show that when a executing promissory note is denied, the petitioner must be given an opportunity to substitute such defence.

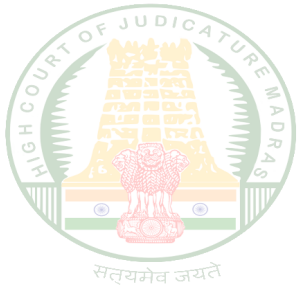
6. In view of the above and considering the reasons stated in the affidavit, this Court is of the opinion that a prima facie case has been made out for the grant of interim order. Accordingly, there shall be an order of an interim stay for a period of three weeks.

7. Notice to the respondent returnable in three weeks. Private notice is also permitted.

01.09.2025

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M.JOTHIRAMAN,J.

kkd

To

5th Assistant Judge, City Civil Court, Chennai.

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