

C.R.P.(MD)No.2725 of 2024 and 2189 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.2725 of 2024 and 2189 of 2025

and

C.M.P.(MD)No.15520, 17466 of 2024, 12963 and 11209 of 2025

1.K.Ponram
2.P.Karthick

... Petitioners in both petitions

Vs.

Tamil Nadu Grama Bank,
Sattur Branch,
Through its Branch Manager,
Sattur Town and Taluk,
Viruthunagar District.

... Respondent in both petitions

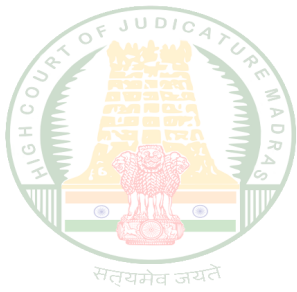
PRAYER in C.R.P.(MD)No.2725 of 2024: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the order in I.A.No.1 of 2024 in unnumbered A.S.No.... of 2024 dated 30.09.2024 on the file of the Principal District Sessions Court, Virudhunagar District at Srivilliputhur.

PRAYER in C.R.P.(MD)No.2189 of 2025: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the order E.P.No.17 of 2024 in O.S.No.57 of 2020 dated 27.06.2025 on the file of the Sub Court, Sattur.

In both petitions:

For Petitioner : Mr.S.A.Ajmalkhan

For Respondent : Mr.S.Muralidharan



COMMON ORDER

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Since the issue involved in both the petitions are same, both the Civil Revision Petitions are disposed of by way of this common order.

2.The petitioners are the judgment debtors in the suit in O.S.No.57 of 2020, which was filed by the respondent Bank for recovery of money. The said suit was decreed on 29.11.2021. As against the decree and judgment, the petitioners preferred an appeal with the delay of 744 days in I.A.No.1 of 2024 in A.S.SR.No..... 2024. However, after adjudication the Lower Appellate Court dismissed the interlocutory application. Challenging the same, C.R.P.(MD)No. 2725 of 2024 was filed. During the pendency of the said Revision petition, the respondent initiated execution proceedings and in that proceedings, the salary of the petitioners were attached vide order dated 27.06.2025. Challenging the same, C.R.P.(MD) No.2189 of 2015 is filed.

3.The learned counsel for the petitioners would submit that the petitioners filed the appeal with the delay of 744 days. Though the reason for the delay was properly explained, the trial Court refused to entertain the appeal filed by the petitioner. He would further submit that the petitioner to show his *bona fide*

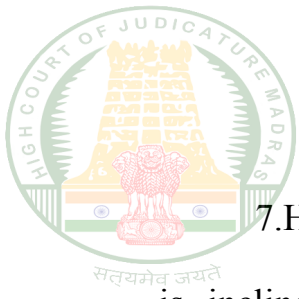


is ready to deposit 50% of the decree amount before the trial Court. Therefore, he seeks to direct the Lower Appellate Court to number the appeal suit and dispose of the same within the stipulated time. Accordingly he prayed for appropriate orders.

4.The learned counsel for the respondent Bank would submit that the decree amount is Rs.2,00,000/- and the execution amount is Rs.3,02,709/-. However, till date the amount is not deposited. The trial Court has dismissed the application filed by the petitioner seeking to condone the delay caused in filing the appeal on the ground that the delay was not properly explained. Therefore, the said order need not be interfered.

5.Heard the rival submissions made on either side and perused the materials placed on record.

6.The facts in the present case are not in dispute. Admittedly, the respondent/plaintiff filed a money suit in O.S.No.57 of 2020 as against the petitioners and obtained a decree in its favour. It is also equally undisputed that as against the decree and judgment an appeal was filed before the Lower Appellate Court with the delay of 744 days and the same was dismissed.



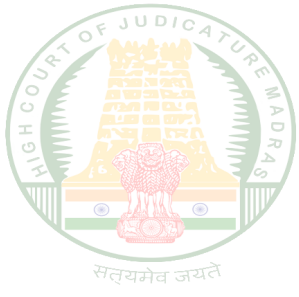
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7. However, in order to strike the balance between the parties, this Court is inclined to direct the trial Court to take up the appeal suit on file. Accordingly, the petitioner is directed to deposit 50% of the amount stated in the execution proceedings within a period of four weeks from the date of receipt of a copy of this order and produce a receipt of such payment. On such production, the trial Court is directed to condone the delay and number the appeal suit and dispose of the same as expeditiously as possible. Till such time, the execution proceedings shall be deferred. It is made clear that if the petitioners failed to comply with the above said condition, the respondent is at liberty to proceed with the execution proceedings in the manner known to law.

8. With the above direction, the order passed by the trial Court in I.A.No.1 of 2024 and the docket order made in E.P.No.17 of 2024 are set aside and the Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2025

Index : Yes/No
Internet : Yes / No
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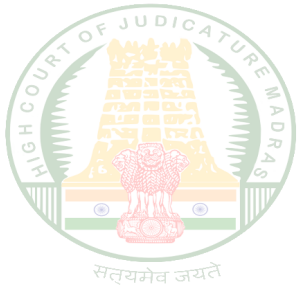


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To

- 1.The Principal District and Sessions Court, Virudhunagar
- 2.The Sub Court, Sattur.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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