



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3558 of 2026

1. Manohar Lal

2. Reshma M

Petitioner(s)

Vs

1. The Estate of deceased B.Gopala
Krishna Murthy, Rep. by his legal heirs
1.G.Vijayalakshmi

2.G.Geetharani

3.G.Iruthayanathan

4.G.Shanmuga Sundaram

5.B.Prathapan

6.D.Gurunathan

Respondent(s)

PRAYER

To set aside the order and decree dated 02.02.2026 passed in IA No.3 of 2025, in OS No. 2897 of 2021 on the file of IV Additional Judge, City Civil Court, Chennai and consequently allow the same restore the OS No. 2897 of 2021 on the file of VI Additional Judge, City Civil Court, Chennai.



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For Petitioner(s): Mr.K.V.Sundararajan

For Respondent(s): Mr.M.Jagadheesan for
Mr.P.B.Ramanujam Associated
Counsel for Caveator

ORDER

This Civil Revision Petition has been filed, challenging the order dated 02.02.2026 passed by the VI Additional Judge, City Civil Court, Chennai in I.A. No.3 of 2025 in O.S. No.2897 of 2021.

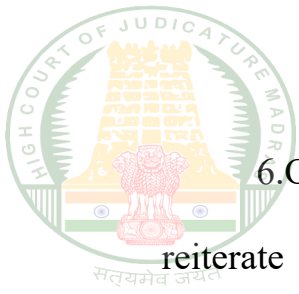
2.Under the aforesaid order, the application filed by the petitioners, who are the plaintiffs in the suit seeking to condone the delay of 162 days in filing the application seeking to restore the suit, which was dismissed for default on 20.02.2023, has been dismissed.

3.The respondents have filed a caveat and they are represented by a counsel.

4.The Trial Court has dismissed the application on the ground that no sufficient cause has been shown by the petitioners/plaintiffs for condoning the inordinate delay. The Trial Court has also held that the delay is 600 days and not 162 days as claimed by the petitioners/plaintiffs.



5. Learned counsel for the petitioners would submit that the earlier counsel for the petitioners died after filing of the suit and the subsequent counsel filed I.A. No.3 of 2025 seeking to restore the suit, which was dismissed for default on 20.02.2023 with a delay of 162 days. According to him, the Trial Court has erroneously held in the impugned order that the delay is 600 days. Learned counsel for the petitioners submits that inadvertently, while filing the application seeking to restore the suit, which was dismissed for default, the petitioners did not file a separate petition seeking to condone the delay of 162 days in filing the application seeking to restore the suit, which was dismissed for default on 20.02.2023. Learned counsel for the petitioners would submit that due to the inadvertent mistake, the Trial Court has erroneously held that the delay is 600 days in filing an application seeking to restore the suit, which was dismissed for default on 20.02.2023. He would also submit that the suit filed by the petitioners/plaintiffs is a money suit seeking for recovery of money, based on a promissory note and based on an acknowledgement of confirmation given by the respondents/defendants to the petitioners/plaintiffs. According to him, the petitioners have shown sufficient cause for the delay in filing the application seeking to restore the suit, which was dismissed for default. Hence, he prays for allowing this Civil Revision Petition.

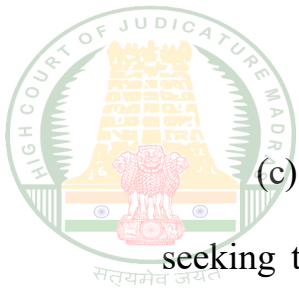


6. On the other hand, the learned counsel for the respondents would reiterate the contents of the impugned order and would submit that the Trial Court has rightly rejected the application filed by the petitioners on the ground of inordinate delay and on the ground that no sufficient cause has been shown by the petitioners for restoring the suit, which was dismissed for default on 20.02.2023.

7. This Court, after giving due consideration to the fact that the suit filed by the petitioners/plaintiffs is a money suit and is based on a promissory note and based on an acknowledgement of liability given by Gopalakrishnamurthy, who is a deceased and is now represented by his legal representatives, is of the view that the petitioners/plaintiffs have shown sufficient cause by giving the following reasons:

(a) Earlier, the petitioners/plaintiffs were represented by another counsel in the suit. He died after filing the suit.

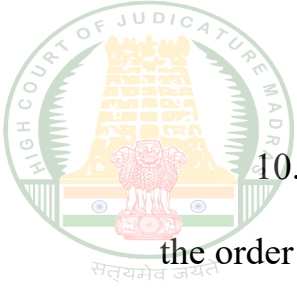
(b) The new counsel for the petitioners/plaintiffs, inadvertently, filed an application seeking to restore the suit, which was dismissed for default, without filing a separate petition seeking to condone the delay in filing an application seeking to restore the suit, which was dismissed for default on 20.02.2023.



(c) Subsequently, I.A. No.3 of 2025 was filed in O.S. No.2897 of 2021 seeking to condone the delay of 162 days in filing an application seeking to restore the suit, which was dismissed for default on 20.02.2023, in accordance with the procedure.

8. When the petitioners/plaintiffs have given sufficient cause for the delay and that too when the suit has been filed for recovery of money, based on a promissory note and based on an admission of liability, the Trial Court ought to have been liberal and allowed the application by imposing costs for the delay instead of dismissing the application.

9. Therefore, this Court is of the considered view that the impugned order dated 02.02.2026 passed in I.A. No.3 of 2025 in O.S. No.2897 of 2021 on the file of the VI Additional Judge, City Civil Court, Chennai has to be set aside by this Court and this Civil Revision Petition has to be allowed by restoring O.S. No.2897 of 2021 to the file of the VI Additional Judge, City Civil Court, Chennai, which was dismissed for default on 20.02.2023 to the file of the said Court on condition that the petitioners pay costs of Rs.5,000/- to the respondents within a period of one week from the date of receipt of a copy of this order.



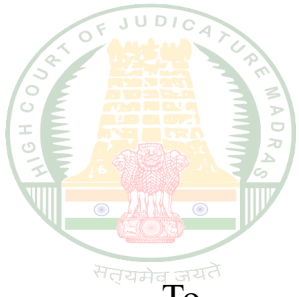
10. Accordingly, this Civil Revision Petition is allowed by setting aside the order dated 02.02.2026 passed in I.A. No.3 of 2025 in O.S. No.2897 of 2021 on the file of the VI Additional Judge, City Civil Court, Chennai on condition that the petitioners pay costs of Rs.5,000/- to the respondents within a period of one week from the date of receipt of a copy of this order and on payment of the said sum within the stipulated date fixed by this Court, the suit O.S. No.2897 of 2021 on the file of the VI Additional Judge, City Civil Court, Chennai stands restored to the file of the said Court. Failure to pay the said costs, this Civil Revision Petition shall stand dismissed automatically.

11. While allowing this petition, the learned counsel for the respondents requested this Court to direct the Trial Court to dispose of the suit within a time frame to be fixed by this Court.

12. It is brought to the notice of this Court by both the counsels that in the suit, issues have already been framed. Therefore, this Court directs the Trial Court, namely, the VI Additional Judge, City Civil Court, Chennai to dispose of O.S. No.2897 of 2021, after trial, within a period of one year from the date of receipt of a copy of this order. No costs.

08-07-2026

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To
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- 1.The VI Additional Judge, City Civil Court, Chennai.
- 2.The Section Officer, VR Section, High Court, Madras.



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ABDUL QUDDHOSE J.

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