



WEB COPY

CRP No. 3686 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-07-2026**

CORAM

**THE HON'BLE MR JUSTICE ABDUL QUDDHOSE**

**CRP No. 3686 of 2026**

R.Mohanasundaram

..Petitioner(s)

Vs

K.S.Mohana Sundaram

..Respondent(s)

This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the Fair and Decreetal order of the IV Additional City Civil Court at Chennai dated 19.06.2026 in IA No. 2 of 2026 in OS No. 3275 of 2025.

For Petitioner

: Mr.Guru Dhananjay

for Mr.A.Vnoth Kumar

For Respondent

: Mr.S.Saravanakumar

### **ORDER**

This Civil Revision Petition (CRP) has been filed challenging the impugned order dated 19.06.2026 passed by the IV Additional City Civil Court, Chennai, in I.A.No.2 of 2026 in O.S.No.3275 of 2025. In the aforesaid order,

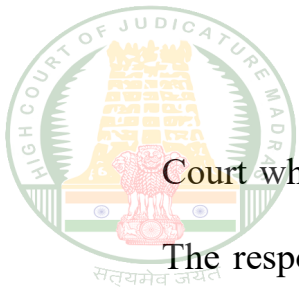


the application filed by the petitioner, who is the defendant in the suit, seeking to set aside the exparte order dated 15.12.2025 has been dismissed on the ground that false reasons have been stated in the affidavit filed in support of I.A.No.2 of 2026 and no sufficient cause has been shown by the petitioner/defendant for setting aside the exparte order.

2. The learned counsel for the petitioner fairly concedes that the reasons given in the affidavit filed in support of I.A.No.2 of 2026 may not be correct, but, at the same time, he would submit that since there is no delay on the part of the petitioner in filing the application seeking to set aside the exparte order, the trial Court ought to have adopted a liberal approach and ought to have allowed the application by imposing costs, if required.

3. Mr.S.Saravanakumar, learned counsel for the respondent, has filed caveat before this Court, and he would submit that since false reasons have been given by the petitioner/defendant in the affidavit filed in support of I.A.No.2 of 2026, the trial Court has rightly rejected the said application through the impugned order.

4. When there is no delay on the part of the petitioner/defendant in filing the application seeking to set aside the exparte order, this Court is of the considered view that a liberal approach ought to have been adopted by the trial



Court while setting aside an application seeking to set aside the exparte order.

The respondent/plaintiff has filed a money suit for recovery of Rs.49,92,000/- together with interest and costs. When such a huge claim has been made by the respondent/plaintiff, the trial Court ought to have allowed the aforementioned application by imposing costs on account of false reasons given by the petitioner/defendant.

5. The learned counsel for the petitioner/defendant also fairly submits that the petitioner is willing to pay costs for the reasons given in the affidavit filed in support of I.A.No.2 of 2026.

6. For the foregoing reasons, the impugned order dated 19.06.2026 passed by the IV Additional City Civil Court, Chennai, in I.A.No.2 of 2026 in O.S.No.3275 of 2025, is hereby set aside by this Court, on condition that the petitioner pays cost of Rs.10,000/- to the counsel for the respondent who is appearing before this Court, within a period of one week from the date of receipt of a copy of this order, failing which, this CRP shall stand automatically dismissed. The petitioner/defendant is directed to file written statement in the suit in O.S.No.3275 of 2025 on the next hearing date of the suit, i.e., on 17.07.2026, and the trial Court shall also accept the same and dispose of the suit on merits and in accordance with law, as expeditiously as possible.



In the result, this Civil Revision Petition is disposed of. No Costs.

CMP.No.15991 of 2026 is closed.

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**08-07-2026**

Neutral Citation: Yes/No  
RKM

To

IV Additional City Civil Court,  
Chennai.



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**ABDUL QUDDHOSE, J.**

**RKM**

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