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CRP No. 4303 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 4303 of 2026
AND
CMP NO. 18807 OF 2026**

A.Kandaswamy

... Petitioner

Vs

N.Chellamuthu

... Respondent

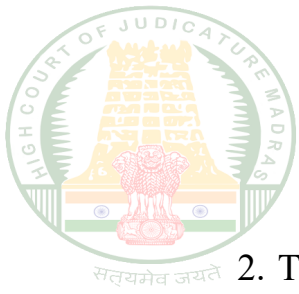
Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order dated 28.04.2026 passed in I.A.No.15 of 2026 in O.S.No.595 of 2017 by the Learned II Additional Sub Judge, Erode.

For Petitioner : Mr.J.Thilagaraj

For Respondent : Mr.M.Kingston Thomas

ORDER

This Civil Revision Petition has been filed challenging the impugned order dated 28.04.2026 passed by the II Additional Sub Court, Erode in I.A.No.15 of 2026 in O.S.No.595 of 2017.



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2. The petitioner is the plaintiff and the respondent is the 1st defendant in the suit in O.S.No.595 of 2017. In the aforesaid order, the application filed by the respondent seeking to reopen the respondent's side evidence (DW evidence) has been allowed on payment of costs of Rs.4,000/- to the petitioner. According to the petitioner, the respondent's counsel made an endorsement in the court bundle before the trial court that the respondent is not going to let-in any oral and documentary evidence during trial. According to the petitioner, the trial court also recorded the said endorsement, and closed the evidence of respondent. According to the petitioner, at the time of arguments in the main suit, the respondent filed I.A.No.15 of 2026 seeking to reopen the respondent's side evidence, which has been allowed under the impugned order on payment of costs of Rs.4,000/-.

3. Learned counsel for the petitioner would submit that in the affidavit filed in support of I.A.No.15 of 2026, no reasons have been given by the respondent as to why there became a necessity for the respondent to file I.A.No.15 of 2026 when the respondent has already made an endorsement in the court bundle of the trial court that the respondent is not going to let-in any oral and documentary evidence. He also drew the attention of this Court to the



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affidavit filed by the respondent in support of I.A.No.15 of 2026 in support of his aforesaid contention. The trial court has however rejected the petitioner's contention by holding that in the interest of justice, I.A.No.15 of 2026 has to be allowed.

4. Admittedly, the suit has been filed for specific performance of an agreement of sale by the petitioner against the respondent. The written statement was also filed by the respondent in the suit disputing the contentions of the petitioner. For reasons best known to the respondent, an endorsement was made by the respondent's counsel before the trial court earlier that the respondent is not going to let-in any oral and documentary evidence.

5. Learned counsel for the petitioner also drew the attention of this Court to the written arguments filed by the petitioner in the suit. As seen from the same, lengthy written arguments has been filed by the petitioner. The suit has been filed for specific performance of an alleged agreement of sale. During the course of arguments, an application, namely I.A.No.15 of 2026 was filed by the respondent seeking to reopen the respondent's side evidence. The said application has been allowed under the impugned order dated 28.04.2026 by



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directing the respondent to pay the costs of Rs.4,000/- to the petitioner. The said costs has also been deposited by the respondent before the trial court after obtaining leave of the trial court to deposit the same to the credit of O.S.No.595 of 2017. The trial court has allowed I.A.No.15 of 2026 only in the interest of justice.

6. When the written statement has been filed by the respondent in the suit, the respondent will have to be allowed to contest the suit by letting in oral and documentary evidence. The trial court has rightly rejected the contentions of the petitioner by holding that in the interest of justice, the application has to be allowed. When the costs has already been paid by the respondent, which is now lying to the credit of O.S.No.595 of 2017, the question of interfering with the impugned order by this Court through this revision does not arise. The only limited relief that can be granted to the petitioner in this revision is to direct the trial court to dispose of the aforesaid suit within a time frame to be fixed by this Court.

7. Accordingly, this Court is not interfering with the impugned order dated 28.04.2026 passed by the II Additional Sub Court, Erode in I.A.No.15 of 2026



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in O.S.No.595 of 2017, but instead, is directing the II Additional Sub Court, Erode to dispose of the suit in O.S.No.595 of 2017, within a period of five (5) months from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

27-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The II Additional Sub Court,
Erode.



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ABDUL QUDDHOSE J.

sp

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