



C.R.P.Nos.1765 & 2108 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P.Nos.1765 & 2108 of 2019
and C.M.P.No.11474 of 2019

C.R.Sivanandam (deceased)

- 1.C.R.Sankar
- 2.C.R.Kannan
- 3.S.Samundeeswari
- 4.C.S.Sendil Kumar
- 5.C.S.Rathinavelu
- 6.Pushpanjali
- 7.Nandhini

... Petitioners in both C.R.Ps

Vs

- 1.V.K.Lakshmi

- D.Venugopal (deceased)
- 2.C.R.Jothi

- V.R.Kushaldoss (deceased)
- 3.V.K.Thilakam
- 4.V.K.Ramprasad
- 5.V.K.Sridhar
- 6.V.K.Suresh

... Respondents in both C.R.Ps

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PRAYER in C.R.P.No.1765 of 2019:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order passed in I.A.No.1 of 2019 in O.S.No.12040 of 2010 dated 12.03.2019 on the file of learned IV Additional Judge City Civil Court, Chennai and praying to set aside the same.

PRAYER in C.R.P.No.2108 of 2019:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order passed in I.A.No.5 of 2019 in O.S.No.12040 of 2010 dated 18.06.2019 on the file of learned IV Additional Judge City Civil Court, Chennai and praying to set aside the same.

In both C.R.Ps.

For Petitioners : Mr.V.Baskaran

For RR1 to 3 : Door locked

For RR4 to R6 : Mr.N.Premkumar

COMMON ORDER

These Civil Revision Petitions have been filed against the orders

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made in I.A.No.1 of 2019 and I.A.No.5 of 2019 in O.S.No.12040 of 2010 dated 12.03.2019 and 18.06.2019 on the file of learned IV Additional Judge City Civil Court, Chennai.

2. During the course of the hearing, the learned counsel for the respondents 4 to 6 submits that the suit itself was dismissed on 18.06.2019 and he produced a copy of the decree and order dated 18.06.2019 before this Court.

3. On perusal of the decree and judgment in O.S.No.12040 of 2010 dated 18.06.2019, it appears that the suit has been filed by the plaintiffs under Order VII Rule 1 of the Civil Procedure Code read with Order IV Rule 1 of High court Original Side Rules, 1956 for declaring title to the property in Plot No.4, Ramaswamy Nagar, Saligramam, Madras 600 093 and morefully described in the schedule hereunder; and in their favour and in favour of the third defendant; and for recovery of possession of the suit property and for furture damages of

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Rs.3,000/- per year; and for costs of the suit.

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4. The Trial Court pointed out that even after granting sufficient opportunities to the plaintiffs' side, no evidence was adduced and several adjournment were sought by the plaintiffs side and most of the applications were allowed in the previous hearings. The Trial Court also pointed out that the case pertaining to the year 2010 and it was instituted in the year 2004 before the Trial Court and subsequently transferred to that Court. The learned counsel appearing for the plaintiffs prayed to adjourn the matter stating that the C.R.P. is pending before the High Court, but, there is no interim stay granted by the High Court. Further, on perusal of the records from the order dated 12.12.2018 of the High Court, there is a direction to the Trial Court to dispose of the matter within three months. Subsequently, several opportunities were given to the plaintiffs, but the plaintiffs have failed to prosecute the case stating that they have filed the C.R.P. against the order in I.A.No.1 of 2019. Thereafter, the case was adjourned several

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times for evidence of the plaintiffs on 23.03.2019, 29.03.2019, 09.04.2019, 15.04.2019, 26.04.2019, 03.06.2019, 10.06.2019, 12.06.2019, 15.06.2019 and 18.06.2019 but, no evidence was produced. Even then the plaintiffs have failed to produce their side evidence to prosecute the case.

5. Under these circumstances, the Trial Court dismissed the adjournment application filed in I.A.No.5 of 2019 on 18.06.2019. Considering the facts and circumstances of the case, the suit was also dismissed for default for non-prosecution with costs. Against the order in I.A.No.5 of 2019, the petitioner filed C.R.P.2108 of 2019.

6. Heard the learned counsels appealing on either side and perused the materials available on record.

7. In the light of the fact that the suit was dismissed on 18.06.2019 by its decree and judgment, in our considered view, the C.R.P.No.1765 of 2019 has become infructuous.

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8. With respect to C.R.P.2108 of 2019, considering the reasons stated by the Trial Court in dismissing the I.A.No.5 of 2019, dated 18.06.2019, this Court do not find any valid reasons to consider the request made by the petitioner in the Civil Revision Petition. Admittedly, sufficient time was granted to the petitioners to prosecute the case by producing their evidence, the petitioners failed to do so. As such, in our considered view, no interference of this Court is required into the orders made in I.A.No.1 & 5 of 2019 in O.S.No.12040 of 2010 dated 12.03.2019 and 18.06.2019 on the file of learned IV Additional Judge City Civil Court, Chennai.

9. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

Additional City Civil Court -IV,
Chennai

BATTU DEVANAND,J.

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