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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 18.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**C.R.P.No.211 of 2024  
and CMP.No.989 of 2024**

E. Kumar (alias) Arul Kumar

... Petitioner

Vs.

1. Balu

2. Velvizhi

3. Dhakshinamoorthy

4. Malarvizhi

5. Irudayaraj

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India pleased to set aside the fair and decreetal order dated 20.12.2023 passed in O.S.No.5349 of 2013 on the file of the XV Additional City Civil Court, Chennai by allowing this Civil Revision Petition.

For Petitioner : Mrs.G.Sumitra

For Respondents : Mr.B.Karthik

**ORDER**

Challenging the fair and decreetal order dated 20.12.2023, passed in O.S.No.5349 of 2013, on the file of the XV Additional City Civil Court, Chennai, the present civil revision petition is filed.

2. The petitioner is aggrieved by the closure of subpoena applications. The learned counsel for the revision petitioner submitted that in I.A.Nos.2 & 3 of 2020, subpoena was permitted to be taken on the Civil Supply Department and as well as on the Tahsildar concerned. So far as the Civil Supply Department is concerned, the witness has produced the documents and therefore the object of issuing subpoena was satisfied. However, insofar as the Tahsildar is concerned, instead of taking private subpoena to the said witness, the counsel on record has taken steps through Court. It is also brought to the notice of the trial Court through an affidavit that has been filed by the junior counsel who was in charge of the matter. Despite the same, the Court has proceeded to note that steps for subpoena privately was not taken and denied the opportunity to the revision petitioner.



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3. The learned counsel appearing for the respondents, however, opposed the applications and sought for dismissal of the civil revision petition by stating that the suit is pending from the year 2013 and despite several opportunities being granted, the witness batta was not filed and that was the reason why the trial Court has closed these applications.

4. Per contra, the learned counsel for the revision petitioner would submit that though subpoena was issued in 2020 itself because of the intervening covid, no steps could be taken and thereafter, steps were taken, and in proof of having taken batta through Court, PSA number was also mentioned in the affidavit filed by the junior counsel on record, in support of applications in I.A.Nos.2 & 3 of 2020. The trial Court having permitted the petitioner to issue subpoena to the witnesses, should have taken into account that instead of issuing private summons, the petitioner has taken steps for serving the witness through Court process. Moreover, the respondents have not challenged the order, allowing the applications for issuing subpoena.

5. In view of the above facts and circumstances of the case, I am



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inclined to set aside the order of the trial Court and in order to give one more opportunity to the petitioner to take steps to serve subpoena on the Tahsildar, Tondiarpet, Chennai, the subpoena steps shall be taken through Court as well as privately.

6. The learned counsel for the respondents have stated that this Court exercising power under Article 227 has already directed expeditious disposal of the suit and still the petitioner is protracting the proceedings by filing miscellaneous applications.

7. In view of the above fact, I am inclined to allow this civil revision petition and give one more opportunity to the petitioner to issue subpoena through Court as well as privately to the Tahsildar Tondiarpet, Chennai and such summons shall be taken for the hearing 18.08.2025 and necessary steps shall be promptly taken by the revision petitioner without seeking any extension of time. The trial Court shall take into account the earlier direction for speedy disposal of the suit, and shall endeavour to finally dispose of O.S.Nos.5349 of 2013, 4630 of 2013 & 3164 of 2015, expeditiously and in any event on or before 31.12.2025.



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8. With these observations, the civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Index : No

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Internet : Yes

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**Note: Issue order copy on 22.07.2025**

To

The XV Additional City Civil Court,  
Chennai.



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**P.B.BALAJI, J.**

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