



C.R.P.(PD)No.229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.229 of 2025
and C.M.P.No.1531 of 2025

B.Venkateswaralu

.. Petitioner

Vs

1.Umadevi Jayabalan

2.Rajan Jayabalan

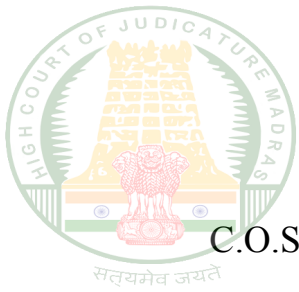
.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned orders dated 27.11.2024 in I.A.No.14 of 2024 in C.O.S.No.717 of 2022 (O.S.No.5958 of 2017) by Additional Commercial Court, Egmore, Chennai.

For Petitioner : Mr.B.Venkateswaralu, party-in-person

ORDER

This civil revision petition arises against the order passed by the Additional Commercial Court, Egmore, Chennai in I.A.No.14 of 2024 in



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C.O.S.No.717 of 2022, dated 27.11.2024.

WEB COPY 2.The civil revision petitioner is the plaintiff in the suit.

C.O.S.No.717 of 2022 is a suit for recovery of a sum of Rs.6,17,966.61 together with interest @ 36% monthly compound interest on the principal sum of Rs.3,26,348/-. The suit was originally presented before the City Civil Court at Chennai as O.S.No.5958 of 2017. Subsequently, with the creation of the Commercial Court at Egmore, the suit stood transferred to that Court and was re-numbered as aforesaid.

3.During the course of the proceedings, the defendants, who are two in numbers, had engaged a counsel. On 24.10.2024, when the matter was listed for cross-examination of the plaintiff, the counsel was unable to be present, because he was held up before this Court. Consequently, the defendants were set *ex parte* and the evidence was closed. Hence, the petitions in I.A.Nos.12 to 14 of 2024 seeking to recall, reopen and to set aside the *ex parte* order dated 24.10.2024 were filed. Those applications were opposed by way of a counter by the plaintiff.

4.The learned Trial Judge, considering the affidavit and counter, allowed the applications on payment of costs of Rs.3,000/-.



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WEB COPY 5. Aggrieved by the said order, this revision has come up before me.

6. I heard the party-in-person. I have gone through the records as well as the impugned order.

7. The narration of the facts shows that when the matter was listed for cross-examination of the plaintiff on 24.10.2024, the counsel for the defendants was not in a position to carry forward with that exercise on account of the fact that he was held up before the High Court. The learned Trial Judge had set the defendants *ex parte* and had closed their evidence. Soon thereafter, without any delay, the applications were filed in order to enable the defendants to continue further with the proceedings. The learned Trial Judge found a good cause and hence, allowed the applications.

8. The scope of revision challenging an order under Order IX Rule 7 of the Code of Civil Procedure is limited. The learned Trial Judge found a good cause and exercised his discretion and allowed the said



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applications. Unless and until it is arbitrary or capricious, it is normally not interfered with in any exercise of revisional powers. Since the learned Trial Judge has exercised the discretion, I am not inclined to entertain the revision.

9.As the suit has been pending for seven years and more, there shall be a direction to the Additional Commercial Court, Egmore, Chennai, to ensure that the suit is disposed of on or before 30.04.2025. The learned Trial Judge shall ensure that the suit is given atleast two effective hearings every week.

10.With the above directions, the civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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WEB COPY

To

The Additional Commercial Court, Egmore, Chennai.



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V. LAKSHMINARAYANAN,J.

Kj

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