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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.Nos.1043 & 1044 of 2025

& CMP.Nos.6033 & 6037 of 2025

M.Rani

... Petitioner in both CRPs

Vs.

E.Mala

... Respondent in both CRPs

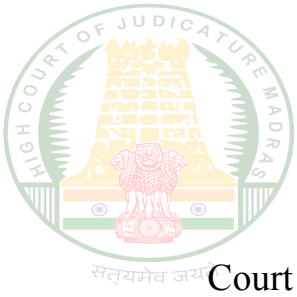
COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the order passed in I.A.Nos.6 and 5 of 2024 respectively in O.S.No.6882 of 2014 passed by the VII Assistant City Civil Court, Chennai dated 16.12.2024.

For Petitioner : Mr.K.Balaji in both CRPs

For Respondent : M/s.R.S.Jain-Le-Sadmar in both CRPs

COMMON ORDER

These Civil Revision Petitions have been preferred, challenging the order of the Trial Court permitting re-opening and recalling the defendant's evidence on payment of costs of Rs.3000/- each.



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2.The learned counsel for the petitioner would state that the Trial Court has granted sufficient time before closing the evidence and the defendant never chose to enter the witness box. He would further submit that the suit itself is of the year 2014 and the defendant is merely attempting to drag/protract the proceedings to continue to unlawfully enjoy the property that has been trespassed by the defendant.

3.The learned counsel for the respondent would however submit that the Trial Court has allowed the application, exercising judicial discretion, that too, on payment of costs and hence no interference is warranted in the said order.

4.I have carefully considered the submissions advanced by the learned counsel on either side.

5.Keeping in mind that the suit is one for recovery of possession, it is fair and proper that the defendant is given a fair opportunity to contest the suit/plaint allegations. No doubt, the defendant has not chosen to appear and submit herself for cross-examination, despite several opportunities granted by the Trial Court. However, the Trial Court has exercised discretion in favour of the defendant by imposing costs. The Trial Court, I find, has



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ordered costs of Rs.3000/- in each of the interlocutory applications, which in my opinion, is too low, considering the conduct/repeated absence of the defendant.

6.In the light of the above, while confirming the order of the Trial Court, the revision petitions are disposed of, enhancing the costs imposed by the Trial Court to Rs.8000/- each. The said total cost of Rs.16,000/- shall be paid within a period of two weeks from the date of receipt of a copy of this order. It is made clear that no extension of time will be granted for payment of the costs and if the costs are not paid within the said period of two weeks from the date of receipt of a copy of this order in these revision petitions, the applications in I.A.Nos.5 and 6 of 2024 in O.S.No.6832 of 2014 shall stand dismissed, without any further reference of this Court.

7.With these above observations and directions, these Civil Revision Petitions are disposed of. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

10.06.2025

Speaking/Non-speaking : Yes/No
Index : Yes / No
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P.B. BALAJI,J.

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To

The VII Assistant City Civil Court, Chennai.

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