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C.R.P.(PD)NO.3250 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03/12/2025

CORAM

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.R.P.(PD)NO.3250 OF 2023

AND

C.M.P.NO.20046 OF 2023

The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai – 3.

... Petitioner/Petitioner/
2nd Defendant

Vs.

1.L.Kalavathi
D.No.253, M.T.H. Road,
Villivakkam, Chennai – 600 049.

... 1st Respondent/1st Respondent/
Plaintiff

2.The District Collector,
Chennai Collectorate,
Chennai – 1.

3.The Tamil Nadu Electricity Board,
SIDCO Nagar, Villivakkam,
Chennai – 600 049.

4.M.Logambal,
D.No.253, M.T.H. Road,
Villivakkam, Chennai – 600 049.

... Respondents 2 to 4/
Respondents 2 to 4/
Defendants 1, 3 & 4

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PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to set aside the Docket Order dated April 06, 2023 in I.A.No.03 of 2022 in O.S.No.4621 of 2013 on the file of the Hon'ble VII Assistant Judge, City Civil Court at Chennai.

For Petitioner	: Mr.R.Ramanlaal Additional Advocate General assisted by Ms.K.Aswini Devi Standing Counsel for Greater Chennai Corporation
For Respondent-1	: Mr.S.Kesavan
For Respondent-2	: Mrs.R.Anitha Special Government Pleader
For Respondent-3	: Mr.S.T.Raja
For Respondent-4	: No such person

ORDER

The Revision Petitioner herein is the 2nd Defendant and the 1st Respondent herein is the Plaintiff in the Suit in O.S.No.4621 of 2013 on the file of 'the VII Assistant Judge, City Civil Court at Chennai' (hereinafter referred to as the 'Trial Court').



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2.In the said Suit, the Plaintiff's side evidence was closed and the matter was posted for further evidence of the Defendant's side. At this juncture, the 2nd Defendant filed a petition under Order VII Rule 14(3) of the Code of Civil Procedure, 1908, seeking the Trial Court to receive additional documents.

3.The Trial Court after hearing both sides, allowed the said petition on March 04, 2023, subject to a payment of cost of Rs.5,000/- (Rupees Five Thousand only) to the Plaintiff on or before March 13, 2023 and further condition that the Petitioner therein shall examine further witnesses, if any, on the next hearing date itself i.e., March 14, 2023, failing which, the petition will be dismissed.

4.The Revision Petitioner filed a Memo on March 14, 2023 seeking an extension of time to comply with the Order dated March 04, 2023. The Trial Court extended the time till April 06, 2023 for due compliance. On April 06, 2023, the Revision Petitioner/2nd Defendant was called absent and the Order has not been complied with; consequently I.A.No.03 of 2022 was dismissed.



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5. Feeling aggrieved by the Dismissal Order (Docket Order) dated April 06, 2023, the Revision Petitioner/2nd Defendant therein has preferred this Civil Revision Petition praying to set aside the Docket Order dated April 06, 2023 in I.A.No.03 of 2022 in O.S.No.4621 of 2013.

6. Mr. R. Ramanlal, learned Additional Advocate General appearing for the Revision Petitioner submits that due to the fact that the Standing Counsel of the Revision Petitioner has not appeared before the Trial Court on that date and not paid the cost, the Trial Court passed an impugned Order. Now, the Revision Petitioner is ready to pay the cost. Accordingly, he prays to allow the Civil Revision Petition and to set aside the Docket Order passed by the Trial Court.

7. Mr. S. Kesavan, learned Counsel appearing for the 1st Respondent/Plaintiff submits that the Suit has been pending since 2013. Considering the age of the Suit, this Civil Revision Petition may be allowed on payment of cost. To that effect, he has also made an endorsement in the case file.



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8. In view of the endorsement made by the learned Counsel for the 1st Respondent, with a view to adhere the principles of natural justice fully and to decide the matter on its merits, this Court is inclined to allow this Civil Revision Petition subject to payment of cost.

9. Resultantly, this Civil Revision Petition is allowed on condition that the Revision Petitioner shall pay a cost of Rs.7,500/- (Rupees Seven Thousand and Five Hundred Only) to the 1st Respondent on or before December 15, 2025, failing which, this Civil Revision Petition shall stand dismissed automatically without any reference to this Court. Consequently, connected Civil Miscellaneous Petition is closed.

10. List the matter on 16.12.2025 under the cause list caption “for Reporting Compliance”.

03/12/2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

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Note: Issue Order today (on 04.12.2025)

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To

1.The VII Assistant Judge,
City Civil Court,
Chennai.

2.The District Collector,
Chennai Collectorate,
Chennai – 1.

3.The Tamil Nadu Electricity Board,
SIDCO Nagar, Villivakkam,
Chennai – 600 049.



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R. SAKTHIVEL, J.

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