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C.R.P. (PD) Nos.3063 and 3064 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.08.2025
PRONOUNCED ON : 22.08.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P. (PD) Nos.3063 and 3064 of 2025
and
C.M.P. Nos.17168 and 17169 of 2025

J. Satish Kumar ... Petitioner in both
CRPs /
Defendant

vs.

M. Ganesan ... Respondent in both
CRPs/
Plaintiff

Prayer in C.R.P. No.3063 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned XIX Additional City Civil Judge, Chennai to number the I.A. S.R. No.40777 of 2025 in O.S. No.2094 of 2024.

Prayer in C.R.P. No.3064 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned XIX Additional City Civil Judge, Chennai to number the I.A. S.R. No.40778 of 2025 in O.S. No.2094 of 2024.



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For Petitioner in both CRPs : Mr.Wilson Topaz
for M/s.A.S. Kailasam & Associates

For Respondent in both CRPs : Mr.S. Sathish Rajan

COMMON ORDER

These revisions are at the instance of the defendant in a suit for recovery of possession, permanent injunction and damages for use and occupation in O.S. No.2094 of 2024 and the plaintiff in O.S. No.6488 of 2023, where the revision petitioner seeks for relief of injunction and damages against the respondent herein.

2. These revisions were moved by way of a lunch motion on 17.07.2025 and an interim stay was granted in the afternoon of 17.07.2025. Even when the interim stay was granted, the counsel for the revision petitioner informed me that when a mention was made before the trial Court that the revisions are being taken up as a lunch motion in the afternoon session, the counsel for the revision petitioner was informed that the judgment had already been pronounced. However, it was brought to my notice by the learned counsel for the petitioner that the judgment has not been uploaded even at the time when the revisions were taken up in the afternoon. The same was also recorded in the said order and I had



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called for a report from the learned trial Judge viz., the XIX Additional City Civil Judge, Chennai. In compliance with the said directions, the learned XIX Additional City Civil Judge has also forwarded his report in Dis No.312/2025, dated 04.08.2025 and I have perused the same.

3. I have heard Mr.Wilson Topaz, learned counsel for the petitioner and Mr.S. Sathish Rajan, learned counsel for the respondent.

4. Mr.Wilson Topaz, learned counsel for the petitioner would state that though the learned trial Judge has indicated that the judgment was delivered in the morning at 10.30 a.m. itself, the judgment came to be uploaded only late in the evening at about 19.45 hours. He would therefore state that there was a clear bias and prejudice exhibited by the learned trial Judge and the learned counsel for the petitioner insisted on the revisions being heard and orders being passed.

5. However, Mr.S. Sathish Rajan, learned counsel for the respondent would state that the trial Judge, had delivered judgment at 10.30 a.m. and the junior counsel of the respondent counsel's office was also present, when the judgment was pronounced. He would further state that merely because the judgement was not uploaded in the e-courts, then and there does not mean that the judgment was not delivered in the open Court at 10.30 a.m. He would further state that it is not as if the



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trial Court has allowed and granted all the reliefs prayed for by the respondent and in this connection he would invite my attention to the judgment passed by the trial Court on 17.07.2025, where some of the reliefs sought for by the respondent have been disallowed as well.

6. I have gone through the report of the learned XIX Additional City Civil Judge, Chennai. In the said report, he has clearly stated that right from entering judicial service in the year 2001, he has been in the habit of pronouncing judgments/orders in the open court at 10.30 a.m., before taking up calling work and regular trial work and similarly in the present case as well, he pronounced the judgment at 10.30 a.m. and disposed of O.S. 2094 of 2024 and 6844 of 2023 by a common judgment. He has also stated that a junior counsel of the landlord /respondent Ganesan was also present when the judgment was pronounced in the open Court. The learned judge has denied the allegations of the revision petitioner that the judgment has been deliberately pronounced after having come to know that lunch motion is being moved before this Court. On a perusal of report, it indicates that when a Memo was filed by the petitioner's counsel at about 1.30 p.m. on 17.07.2025 stating that a revision is being moved by way of lunch motion on the same day, the learned Judge has informed the counsel that the



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judgment has already been delivered at 10.30 a.m. and as such, he cannot act on the said Memo. The learned Judge has also stated that at 19.45 hours, on the same day i.e., on 17.07.2025, the judgment has been uploaded in the e-courts website as well.

7. I am satisfied with the report submitted by the learned XIX Additional City Civil Judge, Chennai. The factum of the judgment being pronounced at 10.30 a.m. is also confirmed by the counsel for the respondent, whose junior colleague was also present at the time when the judgment was delivered.

8. In view of the above, I do not see any purpose in keeping these revisions pending, since suits have already been disposed of on merits. It is always open to the petitioner to challenge the same in the manner known to law and at this juncture, no effective orders can be passed in the revision petitions. It is always open to the petitioner to challenge the judgment and decree passed in the aforesaid two suits and also seek permission for adducing additional evidence before the First Appellate Court, if the petitioner is able to satisfy the First Appellate Court that no fair and proper opportunity was given to the petitioner to lead evidence before the trial Court. In view of the above, I do not find that any further orders are necessary in the above revisions, in view of the suits having



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been disposed of on merits, on 17.07.2025 itself.

WEB COPY 9. In the light of the above, these Civil Revision Petitions are dismissed with liberty to the revision petitioner to challenge the judgement and decree in accordance with law and including requesting the First Appellate Court for adducing additional evidence at the appellate stage, subject to satisfying the Appellate Court that the petitioner has been deprived of a fair opportunity to put forth evidence on his side as DW1 and bringing their case within the ambit of Order 41, Rule 27 of the CPC.

No costs. Consequently, connected miscellaneous petitions are closed.

22.08.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

P.B. BALAJI, J.

vsi2

To

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The XIX Additional City Civil Judge,
Chennai.

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PRE-DELIVERY ORDER
IN
C.R.P. (PD) Nos.3063 and 3064 of 2025
and
C.M.P. Nos.17168 and 17169 of 2025

22.08.2025