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A Nos. 5566 and 5567 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

A.Nos.5566 and 5567 of 2025

in C.S.No.654 of 2007

Hotel Regent

A Partnership Firm Rep. By Its Managing Partner A.Ramanathan
Aged 74 Years, S/o.Arunasalm Pillai, No.8, Old.No.4, Kennet
Lane Egmore. Ch 08

Applicant(s)

Vs.

1.N.Rajagopalan Charities

Religious Charitable Trust Rep.By Its Present Trustee,
P.Venkataraman Having Registered Office At Flat A-4, Akshya
Flats No.24, Rajaji Nagar, Thriuvamiyur Ch 41 Amended As Per
Order Dated 19.01.2009 n A.No3220/2008

2. The Commissioner

Corporation Of Chennai Ripon Building Park Town Ch 03

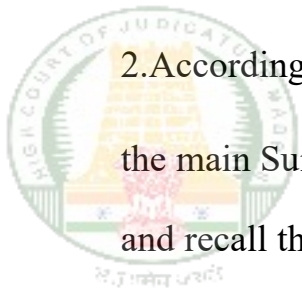
Respondent(s)

For Applicant(s): Mr.V.Jayakumar

For Respondent(s): Mr.R.Thiyagarajan

COMMON ORDER

These applications are filed by the applicant to condone the delay of 170 days in representing the applications filed for reopening the plaintiff's case and to recall the plaintiff side witness.



2. According to the applicant he is the defendant in the main Suit and the plaintiff

the main Suit as against the 1st defendant. The applicant has filed applications to reopen and recall the witness for cross examination. The applicant had also given a letter to the

Hon'ble Chief Justice for hearing the case by the same Portfolio Judge. In the meantime, the Registry had returned the papers for compliance of rectifying certain defects. The Junior counsel, due to his ill health, was unable to represent the papers on time and he was also away from Chennai on account of death of his close relative. Hence, he could not represent the case papers on time, and there is a delay of 170 days in representing the papers and the delay in representation is neither wilful nor wanton.

3. The respondents filed counter objecting the averments made in the affidavit. The 1st respondent is the Trust. It is stated in the counter that the very tenancy, which has been brought about by the 1st defendant itself is under challenge and the applicant by paying a paltry sum of Rs.6,000/- per month, is not entitled to occupy the property worth about several crores for eternity. Further the matter was argued at length already and the counsel for the 1st defendant wanted the convenient set, and accordingly as directed by this Court, the papers were furnished to him. After hearing the arguments of the plaintiff, the case was posted for arguments on the side of the 1st defendant, but the defendants have not argued the matter. Now, the applicant has filed applications to reopen the plaintiff's case and to recall P.W.1 for cross examination. The evidence of P.W.1 was closed on 04.07.2013, and now, after a lapse of 12 years, the above applications are filed to reopen and recall. Therefore, the filing of above applications to reopen and recall are only abuse of process of law and the reasons stated by the



applicant for the delay in representation are not acceptable. Therefore, pr
dismissal of the above applications.

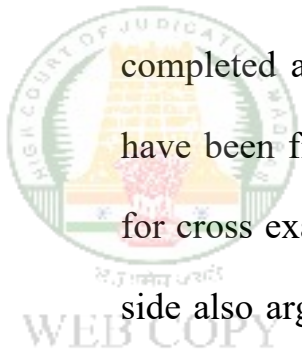
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4.This Court heard both sides and perused the records.

5.These applications have been filed to condone the delay of 170 days in representing the applications filed for reopening the plaintiff's case and to recall P.W.1 for cross examination. It is seen from the records that the applicant has not filed any affidavit and on behalf of the applicant, the affidavit has been filed by the junior counsel attached to the office of the counsel on record, stating that the applicant filed the above applications to reopen the case and to recall the witness of P.W.1, the papers were returned by the Registry for rectifying certain defects. The junior counsel states that due to his ill health, he was not in a position to represent the papers in time. Therefore, there is a delay of 170 days in representing the case papers.

6.The reasons stated in the affidavit are not sufficient to condone the delay of 170 days. Though these applications have been filed to condone the delay in representation, it is the duty of the applicant / party to follow his case. For more than 170 days, the applicant did not take any steps to represent the papers.

7.This Court perused the entire records. Even on merits, the evidence of P.W.1 was



completed as early as on 04.07.2013. and after a lapse of 12 years, two applications have been filed by the applicant for reopening the plaintiff's case and to recall P.W.1 for cross examination. The case has already been posted for arguments. The plaintiff's side also argued the matter. However, the respondent got adjournment for arguing the matter. Thereafter, they have come up with the applications to reopen the plaintiff's case and to recall the P.W.1, and the same were returned and now these applications have been filed to condone the delay in representation. Therefore, the conduct of the parties shows the delay tactics. This Court cannot show any leniency to the parties who are approaching the Court with unclean hands. Therefore, there are no merits in these applications and these applications are liable to be dismissed.

8. In the result, the above applications stand dismissed.

14-11-2025
(1/2)

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