



WEB COPY

CRP No. 358 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 358 of 2026 and
CMP.No.2041 of 2026**

M/s.Umesh Logistics Pvt. Ltd.,
Represented by its Director, Mr.Rajkumar,
Erstwhile Know as Calima World Logistics Pvt.,
Ltd.,
Old No.54, New No.111,
Linghi Chetty Street,Mannady,Chennai 600 001

..Petitioner(s)

Vs

Mr.V.Rajendran

..Respondent(s)

Prayer: The civil revision petition filed under Article 227 of Constitution of India, praying to set aside the docket order dated 17.12.2025 passed in IA.No.5 of 2025 in OS.No.585 of 2021 on the file of the learned XII Assistant City Civil Court at Chennai.

For Petitioner(s): .Kowsik Raghu Rajaa

ORDER

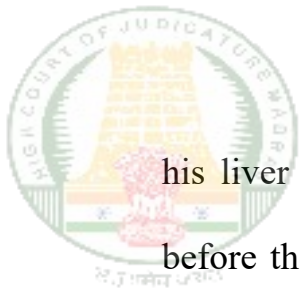
The Civil Revision Petition is filed challenging the docket order passed by the trial court dismissing the application filed by the petitioner seeking re-opening of the case in IA.No. 5 of 2025.



2. The petitioner herein is the defendant in the suit. The respondent filed a suit for recovery of Rs.7,67,500/- from the petitioner towards the salary due. When the suit was posted for taking defendant's side evidence on 10-11-2025, the petitioner failed to appear. Therefore, the defendant's side evidence was closed and then, the petitioner filed IA.No. 5 of 2025 seeking to re-open the case to enable him to lead evidence by citing medical reasons. The said application was allowed by the trial court on 12-12-2025 by directing the petitioner to pay a cost of Rs.3,000/- to the respondent/ plaintiff on or before 17-12-2025. The trial court also imposed further condition that the petitioner shall appear before the court on 17-12-2025 and lead evidence.

3. On 17-12-2025, though the petitioner said to have complied with the 1st condition as to payment of cost to the respondent, however, he failed to appear before the Court and lead evidence. Therefore, the petitioner defaulted in complying with the 2nd condition imposed by the trial court by its order dated 12-12-2025. Citing the said reason, the trial court dismissed the IA.No.5 of 2025 on 17.12.2025. Aggrieved by the same, the petitioner has come before this court.

4. The learned counsel for the petitioner submitted that the petitioner/defendant company's Director Mr.Rajkumar was taking treatment for



his liver failure at the relevant point of time. Therefore, he could not appear before the Court and lead evidence. Since the petitioner failed to comply with the earlier order passed by the trial court on 12-12-2025, by impugned order, the IA.No.5 of 2025 filed by the petitioner seeking re-opening of the case was dismissed. When the conditions imposed by the earlier order were not complied by the petitioner, the Court has no other option but to dismiss the application. Therefore, we cannot find fault with the impugned order. If the petitioner is prevented from complying with the condition, he should have filed necessary application before the very same court seeking extension of time. It appears that the petitioner failed to file any such application till 17-12-2025. Hence, in the absence of petition seeking extension of time, I do not find that the impugned order passed by the trial court can be faulted. Hence, this civil revision petition stands dismissed. However, as per the law laid down by the Division Bench of this Court in ***Gowri Ammal Vs Murugan reported in 2006 (2) MLJ 729***, even after expiry of the time stipulated by the Court for performance of an act, an application for extension of time can be filed and the same is maintainable. Therefore, the petitioner is given liberty to file appropriate application before the trial court seeking extension of time and the same shall be considered by the trial court on its own merits and in accordance with law, without being influenced by anything said in this order.



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5. With this clarification, the civil revision petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The XII Assistant City Civil Court, Chennai.



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S.SOUNTCHAR, J.

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