



WEB COPY

CRP No. 349 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 349 of 2024, CRP NO. 1962 OF 2024 & CRP NO. 1964 OF 2024

AND

CMP NO. 10376 OF 2024, CMP NO. 10381 OF 2024 &

CMP NO. 1636 OF 2024

CRP No. 349 of 2024

T.S. Vijayamohan
S/o.S.Subramanian,
B-53/1, 70 Ft. Road, Periyar Nagar,
Chennai-600082

..Petitioner(s)

Vs

1. C. Ravi
S/o.N.Chinnasamy,
Plot No.378, Swami Ramalinga Colony,
Ponnammanmedu, Madhavaram,
Chennai-600110

2. Priya
W/o.C.Ravi,
Plot No.378, Swami Ramalinga Colony,
Ponnammanmedu, Madhavaram,
Chennai-600110

..Respondent(s)

CRP No. 1962 of 2024

T.S. Vijayamohan
S/o Thiru.S.Subramanian,
B-53/1, 70 Ft., Road, Periyar Nagar,
Chennai 600 082

..Petitioner(s)

Vs



C. Ravi
S/o N.Chinnasamy,
Plot No.378, Swami Ramalinga Colony,
Ponnammanmedu, Madhavaram, Chennai 600 110

..Respondent(s)

CRP No. 1964 of 2024

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Plot No.378, Swami Ramalinga Colony,
Ponnammanmedu, Madhavaram, Chennai 600 110

..Respondent(s)

PRAYER IN CRP No. 349 of 2024

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair order and decree passed I.A.No.2 of 2023 in O.S.No.3386 of 2018 dated 22.12.2023, now pending on the file of the Learned VII Asst. Judge, City Civil Court at Chennai.

PRAYER IN CRP No. 1962 of 2024

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair order and decree passed IA.No. 4 of 2023 in OS.No. 3386 of 2018 dated 09.02.2024 , now pending on the file of the learned VII Asst. Judge, City Civil Court, Chennai.

PRAYER IN CRP No. 1964 of 2024

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Fair order and decree passed in the IA.No. 3 of 2023 in



OS.No. 3386 of 2018 dated 09.02.2024 , now pending on the file of the learned
VII Asst. Judge, City Civil Court, Chennai

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In CRP No. 349 of 2024

For Petitioner(s): Mr. T.S.Rajamohan

For Respondent(s): Mr. A.S.Aswin Prasanna
For R1
Batta due - R2

In CRP Nos. 1962 & 1964 of 2024

For Petitioner(s): Mr. T.S.Rajamohan

For Respondent(s): Mr. A.S.Aswin Prasanna

COMMON ORDER

Challenging the impugned orders passed in I.A.Nos.2 to 4 of 2023 in
O.S.No.3386 of 2018 by the learned VII Assistant Judge, City Civil Court,
Chennai, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioner/plaintiff filed application
to implead the wife of 1st respondent/defendant, who is owner of the property
and as a builder, he entered into a contract with the 1st respondent/defendant for
construction. As the suit was filed by him, at the time of trial, he came to know
that the property belonged to wife of 1st respondent/defendant. Therefore, he
filed an application to implead wife of 1st respondent/defendant as one of
defendants in the suit along with other two applications to recall and reopen
evidence of D.W.1. The learned trial judge dismissed all the applications.



Aggrieved over that, the Revision Petitioner/plaintiff preferred these Civil Revision Petitions.

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3.The learned counsel for 1st respondent raised objections stating that after the cross-examination of D.W.1, to drag on the proceedings, the Revision Petitioner came forward with the said applications. He would submit that though he is very well aware that the property belonged to wife of 1st respondent/defendant, all those applications were filed by him and the same were rightly dismissed with cost by the trial judge, which needs no interference. Hence, he prayed to dismiss these Civil Revision Petitions.

4. Heard and considered rival submissions made by both learned counsel for Revision Petitioner as well as 1st respondent and perused the materials available on record.

5. Considering both side submissions and on perusal of records, it reveals that the suit was filed by the Revision Petitioner/plaintiff in the year 2018 demanding recovery of money for the construction activities done by him. After filing the written statement, the defendant also made his counter claim along with written statement. Now, the trial has begun. The plaintiff side evidence was over and the defendant was examined as D.W.1. According to the Revision Petitioner, the 1st respondent had disclosed that his wife is the owner of



property. Therefore, the revision petitioner/plaintiff had filed an application to implead his wife as one of the defendants in the suit. On perusal of written statement filed by the 1st respondent/defendant, the fact reveals that the defendant never stated that his wife is the owner of property, but he claimed that he is owner of plot, which was intended to give construction, but the title deed stands in the name of his wife. In future, if the plaintiff has opted to execute the sale deed, the lawful owner is necessary. Therefore, impleading the wife of 1st respondent/defendant would not change the character of the suit and no prejudice would be caused to the 1st respondent/defendant also, but the trial judge erroneously dismissed those applications, which requires interference. Therefore, this court is inclined to set aside the findings rendered in I.A.Nos. 2 to 4 of 2023 in O.S.No. 3386 of 2018 by VII Asst. Judge, City Civil Court, Chennai. Liberty is granted to both parties and proposed 2nd defendant to file a fresh application and thereafter, the trial court can proceed with the matter and to dispose the same within a period of two weeks from the date of receipt of copy of this order. Accordingly, these Civil Revision Petitions are allowed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

11-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The VII Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI J.

RPP

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