



WEB COPY

CRP No. 375 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 375 of 2026

Kalaivanan, S/O. Late Kannan,
No.104- Part, New No.249/1,
Brick - Kiln Road, Otteri,
Chennai - 600002.

..Petitioner(s)

Vs

1. V.Devika, D/O. Late. Krishnaveni Devan alias Devendran, residing at No.34, Ponniamman Street, Purasawalkam, Chennai – 600007.
2. R.D. Selvi
D/O. Late. Krishnaveni Devan alias Devendran, residing at No.34, Ponniamman Street, Purasawalkam, Chennai - 600007.
3. R.D. Mohanavel
S/O. Late. Krishnaveni Devan alias Devendran, residing at No.34, Ponniamman Street, Purasawalkam, Chennai - 600007.
4. R.D. Uma Shankar
S/O. Late. Krishnaveni Devan alias Devendran, residing at No.34, Ponniamman Street, Purasawalkam, Chennai - 600007.
5. R.D. Arun Shankar
S/O. Late. Krishnaveni Devan alias Devendran, residing at No.34, Ponniamman Street, Purasawalkam, Chennai - 600007.



6. R.D. Mothi Shankar
S/O. Late. Krishnaveni Devan alias Devendran,
residing at No.34, Ponniamman Street,
Purasawalkam, Chennai - 600007.

Ellammal (died) w/o late Kannan

7. The Sub Registrar
Purasawalkam SRO,
Briklín Road, Otteri,
Chennai 600 012.
8. The Inspector General of Registration
Santhome, Chennai 4.
9. The Assistant Engineer
Nammalwarpet, Kilpauk,
TNEB, Chennai 600 010.
10. The Chairman TNEB, Anna Salai,
Chennai 2.
11. The Assistant Engineer
CMWSSB, Venkatadri Street,
Chennai 012.
12. The Chairman,
CMWSSB, Chennai 2.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the impugned order dated 11.12.2025 in IA No.8 of 2025 in OS No.202 of 2021 pending on the file of VII Assistant City Civil Court at Chennai by allowing the CRP.



For Petitioner(s):

Mr.M.Anandhakumar
for Mr.R.Ravindraram

For Respondent(s)

Mr.N.Muthuvel, Govt.Advocate
for R7 and R8**ORDER**

This Civil Revision Petition is filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner seeking to reopen the evidence of DW1.

2. It is seen from the records that the petitioner is the first defendant in the suit in O.S.No.202 of 2021 and he filed two applications in I.A.Nos.7 and 8 of 2025 seeking to reopen the case and to recall DW1. The Trial Court, by common order dated 02.12.2025 allowed both the applications by imposing two conditions. Firstly, the petitioner was directed to pay a sum of Rs.2,000/- each in both the petitions totalling to Rs.4,000/- to the respondents/plaintiffs on or before 11.12.2025. Secondly, the petitioner was directed to lead evidence on 11.12.2025.

3. In the next date of hearing on 11.12.2025, the petitioner filed cost memo for having complied with the first condition. However, the petitioner failed to produce the witness (Dw1) and lead evidence, as per the second condition



imposed by the trial court in its earlier order dated 02.12.2025. Recording the non compliance of the second condition, the Trial Court dismissed the application. Aggrieved by the order passed in I.A.No.8 of 2025, the petitioner has filed the present civil revision petition.

4. Since the petitioner failed to comply with the second condition imposed by the Trial Court, by its order dated 02.12.2025, we cannot find fault with the impugned order passed by the Trial Court, dismissing the petition to reopen the evidence of DW1. If the petitioner is not able to produce the witness on the date fixed by the trial court, due to sufficient cause, he should file application seeking extension of time. Admittedly, the petitioner has not filed any such application. In such circumstances, the Trial Court had no other option but to dismiss the application. As per the law settled by a Division Bench of this court in ***Gowri Ammal Vs. Murugan and others reported in (2006) 2 MLJ 729***, , even after expiry of time, a petition by a party seeking extension of time to conduct trial is maintainable, if he is having sufficient cause. Since the petitioner has no sufficient cause to explain, he failed to file such application. Therefore, I do not find any error on the impugned order passed by the Trial Court.



5. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

02-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The VII Assistant Judge,
City Civil Court, Chennai.



WEB COPY

CRP No. 375 of 2



S.SOUNTHAR, J.

MST

CRP No. 375 of 2026

02-02-2026