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C.R.P.(PD) No.1263 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

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

**C.R.P.(PD) No.1263 of 2026
and C.M.P.No.6156 of 2026**

1. M.K.Ashok
S/o. M.Karuppiah,
Having Office at No.538,
LIG-II, 1st Avenue,
TNHB Colony,
Velacherry, Chennai - 600 042.

2. M/s.Manvikks,
Having Office at No.538,
LIG-II, 1st Avenue,
TNHB Colony, Velacherry,
Chennai - 600 042.

A Partnership Firm
Represented by its General Power of Attorney,
Agent Mr.V.V.Karthikeyan

...Petitioners

Vs.

Mrs.Kala Jayachandran
W/o. Dr.Jayachandran,
A2, Kumara Vijayam,
No.99, Royapettah High Road,
Mylapore, Chennai - 600 004.

...Respondent

This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to allow this Civil Revision Petition and to set aside the order dated 25.11.2025 passed in I.A.No.6 of 2024 in O.S.No.1439 of 2019 on the file of learned XVI Assistant City Civil Court Judge at Chennai.

For Petitioner : Mr.P.K.Ganesh



ORDER

This Civil Revision Petition has been filed by the Petitioner praying to set aside the Order dated 25.11.2025 in I.A.No.6 of 2024 in O.S.No.1439 of 2019 passed by the learned XVI Assistant Judge, City Civil Court, Chennai.

2. The brief facts of the case are that Respondent/Plaintiff had filed an original suit in O.S.No.1439 of 2019 before the XVI Assistant City Civil Court, Chennai seeking to grant an order of permanent injunction restraining the Petitioners/Defendants from disturbing her peaceful possession and enjoyment of the suit schedule property. On 05.01.2024, when the suit was taken up for hearing, Respondent/Plaintiff was absent and thus, the suit was dismissed for default by the Trial Court on 05.01.2024. Thereafter, Respondent/Plaintiff filed an Interlocutory Application in I.A.No.6 of 2024 in O.S.No.1439 of 2019 for restoring the suit in O.S.No.1439 of 2019 on the file of XVI Assistant City Civil Court, Chennai. The learned XVI Assistant Judge, City Civil Court, Chennai vide Order dated 25.11.2025, allowed the said Interlocutory Application subject to the condition that Respondent/Plaintiff shall pay the cost of Rs.3,000/- to Petitioners/Defendants, on or before 18.12.2025. Challenging the said order, Petitioners/Defendants have filed the present Civil Revision Petition before this Court.



3. The learned counsel for Petitioners submitted that in the affidavit filed in support of I.A.No.6 of 2024, it has been stated by the Respondent/Plaintiff that since she was suffering from viral fever, she was unable to appear before the Trial Court on 05.01.2024. However, in order to prove the said averment, no medical certificate or documentary proof has been produced by the Respondent/Plaintiff.

3.1. It is further submitted by the learned counsel for Petitioners that eventhough no sufficient cause was established by the Respondent/Plaintiff for her non-appearance before the Court, the learned Trial Judge has allowed I.A.No.6 of 2024 in O.S.No.1439 of 2019 by holding that “in the interest of justice and for fair trial, this Court feels that the petition is liable to be allowed since the very next day i.e., on 06.01.2024 itself, the Plaintiff has filed the present Interlocutory Application”.

3.2. The learned counsel for Petitioners also submitted that Petitioners/Defendants had diligently contested the suit and they were also ready for cross-examination, whereas, Respondent/Plaintiff was continuously absent and thus, the suit was dismissed for default. However, without considering the same, the learned Trial Judge has allowed the Interlocutory Application filed by the Petitioner. Therefore, the learned counsel prayed that the impugned order may be set aside.



4. Heard the learned counsel for Petitioners and perused the materials available on record.

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5. From a perusal of the materials, it is evident that the original suit in O.S.No.1439 of 2019 filed by the Respondent/Plaintiff was dismissed for default on 05.01.2024 and hence, Respondent/Plaintiff had filed I.A.No.6 of 2024 in O.S.No.1439 of 2019 for restoring the suit in O.S.No.1439 of 2019 on the file of XVI Assistant City Civil Court, Chennai and the same was also allowed on condition that Respondent/Plaintiff shall pay the cost of Rs.3,000/- to Petitioners/Defendants, on or before 18.12.2025.

6. It is to be noted that the Respondent/Plaintiff had filed the suit for the relief of permanent injunction and she filed the said Interlocutory Application on 06.01.2024 i.e., the very next day of dismissal of the suit. This itself clearly shows that the Respondent/Plaintiff is interested and willing to prosecute the suit in O.S.No.1439 of 2019. Therefore, the learned Trial Judge has rightly allowed the Interlocutory Application filed by the Petitioner.

7. Considering the facts and circumstances of the case, this Court is of the opinion that the impugned order passed by the learned Trial Judge does not warrant any interference. Therefore, this Civil Revision Petition is liable to be dismissed.



8. Accordingly, this Civil Revision Petition is dismissed and the Order dated 25.11.2025 in I.A.No.6 of 2024 in O.S.No.1439 of 2019 passed by the learned XVI Assistant Judge, City Civil Court, Chennai is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

12-03-2026

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

mrr

To

The XVI Assistant City Civil Court Judge,
Chennai.



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T.V.THAMILSELVI, J.

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