



C.R.P.No.742 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED :16.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.No.742 of 2026**  
**and CMP.No.3860 of 2026**

1.Boopathi  
2.Ramesh

... Petitioners

vs.

1.S.Samraj  
2.Suresh  
3.Murugan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and order and decreetal order dated 10.12.2025 passed by the VI Assistant Judge, City Civil Court, Chennai in I.A.No.4 of 2025 in O.S.No.2487 of 2018 by allowing this revision.

For Petitioners :Mr.A.M.Amutha Ganesh

For Respondents :Mr.M.Loganthan



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## ORDER

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The Civil Revision Petition is filed challenging the order passed by the trial Court, dismissing the application filed by the petitioners seeking to eschew the additional proof affidavit filed by the respondents/defendants dated 14.07.2025.

2. The respondents herein filed a suit seeking permanent injunction against the petitioners. The petitioners herein remained ex-parte earlier and proof affidavit of the plaintiff was filed and certain documents were marked. Thereafter, on the application filed by the petitioners/defendants, the said ex-parte order was set aside and thereafter the petitioners filed written statement. After completion of pleadings, the respondents filed additional proof affidavit. Aggrieved by the same, the petitioners have filed instant application seeking to eschew the additional proof affidavit filed by the respondents/plaintiffs on the ground that the averments contained in the additional proof affidavit have not been supported by the pleadings and therefore, the same is liable to be eschewed. The trial Court dismissed the application. Aggrieved by the same, the petitioners have come before this Court.



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3. The learned counsel appearing for the petitioners would submit that the respondents are not entitled to lead evidence without pleadings and therefore, the additional proof affidavit filed by the respondents containing the averments which are not supported by the pleadings needs to be eschewed.

4. Whether the averments contained in the proof affidavit of the respondent are not supported by the pleadings or not could be considered by the trial Court at the time of final disposal. The petitioners are also entitled to cross examine the respondent with regard to the averment contained in the affidavit, if so advised. Whether the evidence of the respondents recorded through proof affidavit can be taken into consideration and whether the averments thereon are supported by the foundational plea are all matters to be decided at the time of final disposal. The petitioners are entitled to raise the points with regard to the absence of the pleadings at the time of final disposal.



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5. I do not find any error in the impugned order passed by the trial Court, Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**16.02.2026**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
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To  
The VI Assistant Judge, City Civil Court,  
Chennai.



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**S.SOUNTHAR, J.**

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