



WEB COPY

CRP Nos.1178 & 1184 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

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

CRP Nos.1178 & 1184 of 2026 &

CMP.Nos.5989 & 5999 of 2026

Yasodharan
S/o. Late.R.Muthusamy,
No.52/28 Reddy Street, Villivakkam,
Chennai-600 049.

..Petitioner(s)
in both petitions

Vs

1. V. Nalini
No.4/8, Solai Main Street,
Ayanavaram, Chennai-23.
2. B. Shakila
Metro Water Quarters,
Thirumalizhai - 602 104.
3. H. Pavalavani
Mannady Othavadai Street,
Villivakkam
Chennai - 049.
4. S. Daisy
12/277, Anna Street, 3rd Cross,
Thiruvallur Nagar,
Ayanavaram,
Chennai - 23.

..Respondent(s) in both
petitions

Common Prayer : Civil Revision Petitions filed under Article 227 of
Constitution of India to set aside the fair and Decretal order dated 8.1.2026



made in IA.Nos.13 and 14/2025 in OS.No. 3321/2019 on the file of VIth Additional Court, City Civil Court at Chennai.

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For Petitioner(s): Ms.R.Rekha in both petitions

COMMON ORDER

Challenging the Order passed by the trial Court in I.A.Nos.13 and 14 of 2025 in O.S.No.3321 of 2019, the present Civil Revision Petitions have been filed by the defendant.

2. The plaintiffs have filed the suit for delivery of vacant possession of the suit property and for permanent injunction against the defendant. In the suit P.W.1 was examined in Chief. It is the contention of the petitioner that the trial Court without giving sufficient opportunity to the petitioner, the evidence of P.W.1 has been closed. Hence, he had filed applications to reopen the evidence on the side of the plaintiffs and to recall P.W.1 for cross examination. But the trial Court had erroneously dismissed the applications with exemplary costs. Hence, the Order of the trial Court has to be set aside.

3. A perusal of the Order of the trial Court clearly indicate that the trial in the suit had commenced in the year 2022 and P.W.1 was examined on 20.09.2022. Thereafter, though opportunities were given to the petitioner, he



has failed to cross examine P.W.1 on the dates on which he was present and entire facts have been elaborately narrated by the trial Court in the impugned Order. But the revision petitioner states that when he was ready to cross examine, P.W.1 was not available. The petitioner had also filed an application before the trial Court in I.A.No.3 of 2023 for production of original documents, but the same was dismissed. In the meanwhile, the parties were also referred to mediation which ended in failure. A perusal of the observations of the trial Court, it is seen that petitioner had also not co-operated with trial Court, inspite of sufficient opportunity given to him and for dragging the proceedings, he is going on filing applications. Therefore, the trial Court had imposed cost on the petitioner. Considering the fact that the petitioner and the respondents are close relatives, this Court is inclined to give one more opportunity to the petitioner to establish his defence and the petitioner is directed to co-operate with the trial before the trial Court.

4. Accordingly, these Civil Revision Petitions are allowed and the Order of the trial Court in I.A.Nos.13 and 14 of 2025 in O.S.No.3321 of 2019 is set aside. The trial Court is directed to dispose of the suit in O.S.No.3321 of 2019 within a period of four months from the date of receipt of a copy of this Court. Both the parties are directed to co-operate with the trial proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

10-03-2026



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

vrc

To

The VI Additional Judge,
City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

VRC

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