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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**REV.APPL No. 62 of 2026 and
CMP No.4924 of 2026**

1. Jerome Royappan
S/o. M.S.Royappan,
No. 15, 4th Block,
4th Main road, Kottur garden,
Chennai-85.
2. Alexander Royappan
S/o. M.S. Royappan,
No.15, 4th Block, 4th Main Road,
Kottur Garden, Chennai - 085.

..Petitioner(s)

Vs

1. Martin Selvam
S/o. Late Edward Tamarai Selvam,
No. 19, Valliammal Street,
Kilpauk, Chennai-10.
2. The Secretary to Government
Home Department,
Fort S.George, Chennai - 009.
3. The Director General of Police
Mylapore, Chennai.
4. The Superintendent of Police
Tiruvarur, Tiruvarur District.
5. The Inspector of Police
Land Grabbing Unit/District Crime Branch,
Tiruvarur District.



6. The Inspector of Police
Nannilam Police Station,
Tiruvarur District.
7. The Inspector of police
Tiruvarur Town Police Station,
Tiruvarur District.
8. The District Collector
Thiruvarur,
Thiruvarur district.
9. The Tahsildar
Nannilam Taluk,
Tiruvarur District.

..Respondent(s)

Prayer: Review Application is filed under Order 47 Rule 1 and 2 of CPC r/w Section 114 of CPC to review the order dated 22.01.2026 in CRP No.4751 of 2025.

For Petitioner(s): Mr. M.Sivavarthan

For Respondent(s): Mr. Devadasan And Sagar Firm For R1

Mr.N.Muthuvel, Govt.Advocate
for R2 to R9

ORDER

Aggrieved by the order passed by this court in CRP No.4751 of 2025 dated 22.01.2026, the petitioners have come before this court by way of this revision application.



2. The petitioners herein filed the main civil revision petition, challenging the order passed by the Trial Court, dismissing their application seeking to set aside the *ex-parte* order passed against them in O.S.No.8118 of 2019.

3. The first respondent herein filed the above said suit for recovery of damages and the petitioners herein were arrayed as defendants 9 and 10. The petitioners were set *ex-parte* on 11.01.2023 for their failure to file written statement. Thereafter, the petitioners filed an application in I.A.No.5 of 2025 to set aside the *ex-parte* order passed against them and the same was dismissed by the Trial Court. Aggrieved by the same, the petitioners filed the main civil revision petition before this court.

4. When the civil revision petition was came up for hearing, the learned counsel appearing for the first respondent produced e-courts status, wherein, it was mentioned that the arguments in the suit was over and the same was posted for judgment as early as on 03.02.2025. Based on the date mentioned in the petition in I.A.No.5 of 2025, this court came to the conclusion that the said I.A.No.5 of 2025 was filed on 05.03.2025, i.e. when the suit was posted for delivering judgment, after hearing the arguments. As a necessary consequence, this court relied on the decision of the Apex Court in **Arjun Singh Vs. Mohindra Kumar and other** reported in **AIR 1964 Supreme Court 993** and held that the petition filed by the petitioners under Order 9 Rule 7 of CPC was



not maintainable, when the suit was reserved for judgment. Therefore, the main civil revision petition was dismissed by this court by holding that the interlocutory application filed by the petitioners was not maintainable.

5. The learned counsel for the petitioners would submit that the order in the above civil revision petition was passed based on the assumption that I.A.No.5 of 2025 was filed on 05.03.2025. However, actually, the said application was filed only on 10.03.2025. He would further submit that though judgment in the main suit was reserved by the Trial Court on 03.02.2025, the same was suo-motu reopened on 06.03.2025 and again it was posted for arguments. Therefore, the application under Order 9 Rule 7 of CPC was filed by the petitioners on 10.03.2025, when the suit was in the stage of arguments, after reopening. In such circumstances, the application under Order Rule 7 of CPC is very well maintainable and the order passed by this court on the footing that I.A.No.5 of 2025 was filed on 05.03.2025 is need to be reviewed.

6. In the typed set of papers, the petitioners filed e-court entries regarding the order passed by the Trial Court on 06.03.2025. The scanned copy of the same is reproduced here.



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(74)

City Civil Court, Chennai
In the court of : XV ADDITIONAL JUDGE
CNR Number : TNCH010150182019
Case Number : OS/0008118/2019
Martin Selvam versus The Secretary to Govt. Home Department
Date : 06-03-2025

Business : Suomoto reopened for clarification. Call on 03.04.2025,
Next Purpose : Arguments
Next Hearing Date : 03-04-2025

XV ADDITIONAL JUDGE

The order passed by the Trial Court dated 06.03.2025 would make it clear that after reserving judgment, the Trial Court suomotu reopened the case and posted for clarification and adjourned the matter to 03.04.2025 for arguments.

7. It is also seen from the certified copy of the petition order in I.A.No.5 of 2025 in O.S.No.8118 of 2019 that the said petition was filed only on 10.03.2025, as seen from the court seal. Therefore, the order passed by this court in CRP No.4751 of 2025 dated 22.01.2026 needs to be reviewed, as it was passed mainly on the ground that I.A.No.5 of 2025 was filed on 05.03.2025, when the suit was reserved for judgment. The documents filed by the petitioners in the typed set of papers would establish that the suit was reopened on 06.03.2025 and the instant application was filed only on 10.03.2025, after reopening of the case. Therefore, the ratio laid down by the Apex Court in ***AIR 1964 Supreme Court 993*** cited supra is not applicable to the facts of the case.



8. In view of the same, the order passed by this court in CRP No.4751 of 2025, dated 22.01.2026 is recalled and the present review application stands allowed. Registry is directed to restore the CRP No.4751 of 2025 to file and list the matter before Judge, holding relevant roster. Connected miscellaneous petition is closed.

04-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The XV Additional Judge,
City Civil Court, Chennai.



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REV.APPL No. 62 of 2



S.SOUNTCHAR, J.

MST

REV.APPL No. 62 of 2026

04-03-2026