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Order QR



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-11-2026**

CORAM

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH**

**Civil Revision Petition Nos.1124 & 1127 of 2024** &
**CMP.Nos.5853 & 5857 of 2024 & 11481 & 11653 of 2025**

**CNR:{HCMA010453732024}**
***CNR:{HCMA010453272024}***

Case QR Case QR

1. Annamalaithai
   W/o.T.Subburaj,
   residing at No.10/3,
   Kumarasamy Lane,
   Royapuram, Chennai-13

2. Amudha
   D/o.T.Subburaj,
   residing at No.10/3,
   Kumarasamy Lane,
   Royapuram, Chennai-13

3. S.Balajikumar
   S/o.T.Subburaj,
   residing at No.10/3,
   Kumarasamy Lane,
   Royapuram, Chennai-13.

...Petitioners in
both CRPs

Vs



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R.Dheenadhayalan
S/o.Raju Chettiar,
15, II Lane, N.N.Garden,
Old Washermanpet,
Chennai-600021.

...Respondent in
both CRPs

PETITIONS under Article 227 of The Constitution of India against the fair and decretal orders dated 03.11.2023 passed respectively in I.A.Nos.4 and 3 of 2023 in O.S.No.3897 of 2017 pending on the file of the 16th Assistant Judge, City Civil Court at Chennai.

For Petitioners in both CRPs: Mr.P.Ananda Kumar

For Respondent in both CRPs: Mr.K.Sachithanandam

**COMMON ORDER**

These civil revision petitions have been filed under Article 227 of The Constitution of India against the common order dated 03.11.2023 passed I.A.Nos.3 and 4 of 2023 in O.S.No.3897 of 2017 pending on the file of the 16th Assistant Judge, City Civil Court at Chennai (for short, the Court below) wherein the applications filed



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by the petitioners/D1, D6 & D7 seeking to reopen the case and recall PW1 for further cross examination, came to be dismissed.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

3. This Court has carefully considered the submissions of the learned counsel either side and perused the materials available on record and more particularly the impugned common order.

4. The respondent/plaintiff filed the said suit seeking for the relief of declaration to declare that he is the owner of the suit property, for consequential recovery of possession and for permanent injunction restraining the defendants from encumbering or alienating the suit property.

5. After the case reached the stage of examination of PW1, he was examined in chief and was also cross examined in part. Thereafter, the case was adjourned from time to time for completing the further cross examination of PW1. However, since the petitioners



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failed to further cross examine P.W.1 on 21.8.2023, the case was adjourned to 30.8.2023 for payment of cost of Rs.500/- to P.W.1. Even on 30.8.2023, P.W.1 was not cross examined further. Hence, the evidence on the side of P.W.1 was closed. Subsequently, the said applications have been filed seeking to reopen the case and recall P.W.1 for further cross examination.

6. But, vide the impugned common order, the Court below dismissed the said applications and aggrieved by that, the above revisions have been filed before this Court.

7. In the considered view of this Court, the respondent/ plaintiff has sought for a substantive relief. If the petitioners are not allowed to contest the case on merits, they will be put to prejudice. Therefore, this Court is inclined to give liberty to the petitioners/D1, D6 & D7 to contest the said suit on merits on the terms fixed by this Court.

8. In the result, the above civil revision petitions are disposed of in the following terms:



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*"(i) The said suit is listed for hearing on 22.12.2026. On that day, P.W.1 shall be present and the petitioners/D1, D6 & D7 shall pay a cost of Rs.2,500/- (Rupees two thousand and five hundred only) to P.W.1.*

*(ii) On payment of costs to P.W.1, the further cross examination of P.W.1 shall be completed on that day itself or at best, on the next date of hearing.*

*(iii) If the petitioners/D1, D6 & D7 fail to cross examine P.W.1 in spite of appearance, the evidence on the side of P.W.1 shall be closed and the Court below shall proceed further to hear the suit on merits and the petitioners will also lose their right to recall P.W.1 in future for further cross examination and*

*(iv) The Court below shall dispose of the said suit within three months from the date of receipt of a copy of this order."*

No costs. Consequently, all connected pending CMPs are closed.

**24-11-2026**

To
The Registrar,
City Civil Court, Chennai



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**N.ANAND VENKATESH,J**

RS

CRP.Nos.1124 & 1127 of 2024 &
CMP.Nos.5853 & 5857 of 2024 &
11481 & 11653 of 2025

**24-11-2026**



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