



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 01-04-2026**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 1651 of 2026**

**and**

**CMP.No.7725 of 2026**

1. E.Subramanian

S/o Late E.Elumalai Mudaliar, No 8/14,  
Kumaraguru 1st Street, Lakshmipuram,  
Thiruvanmiyur, Chennai 600 041

2. E.Ramesh

S/o Late E.Elumalai Mudaliar, No 8/14,  
Kumaraguru 1st Street, Lakshmipuram,  
Thiruvanmiyur, Chennai 600 041

3. E.Mahesh

S/o Late E.Elumalai Mudaliar, No 8/14,  
Kumaraguru 1st Street, Lakshmipuram,  
Thiruvanmiyur, Chennai 600 041

4. M.Kanchana

W/o. R.Muthu Kumaran, No.1A,  
Lakshminagar, Jaffer Khanpet, West  
Saidapet, Chennai-83.

Petitioner(s)

Vs

1. V.Mohana

W/o Viswanathan, 31/16, Thiruvallur  
Street, Nehru Nagar, Velachery,  
Chennai 600 042

Respondent(s)

**PRAYER**

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the order dated 12.02.2026 passed in IA No. 12 of 2026 in OS No.4961 of 2020, on the file of XVII Additional City Civil Court at Chennai.



For Petitioner(s): Mr.P.K.Ganesh

For Respondent(s):

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### **ORDER**

The revision petitioners have filed this revision to set aside the order dated 12.02.2026 passed in I.A.No.12 of 2026 in O.S.No.4961 of 2020, on the file of the XVII Additional City Civil Court, Chennai.

2. Before the trial Court, the petitioners filed I.A.No.12 of 2026 in O.S.No.4961 of 2020 to re-call the DW3, which was closed on 30.01.2026. The learned trial Judge dismissed the application on the ground that the petitioners failed to pay the cost imposed by the Court.

3. The learned counsel submitted that the petitioners had contested the suit by raising valid defences. He further submitted that an opportunity was granted to issue summons to witnesses, and unless the case is reopened, the petitioners would be prejudiced in establishing their case. It is also brought to the notice of this Court that the parties are from an economically weaker background and are unable to pay the cost of Rs. 3,000/-.

4. Considering these aspects, this Court is inclined to set aside the order of the trial Court and allow the I.A.No.12 of 2026 in O.S.No.4961 of 2020, on the file of the XVII Additional City Civil Court, Chennai. The imposition of



cost is also set aside, taking into account the economic condition of the parties.

Both parties are directed to co-operate for the early disposal of the suit, which is pending from the year 2020.

5. Accordingly, the Civil Revision Petition is allowed. Consequently, the connected miscellaneous petition is closed. No Costs.

**01-04-2026**

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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CRP No. 1651 of 2026



To

1.V.Mohana  
W/o Viswanathan, 31/16, Thiruvallur  
Street, Nehru Nagar, Velachery,  
Chennai 600 042.

2. The XVII Additional Judge,  
City Civil Court, Chennai.

3. The Section Officer, VR Section,  
High Court of Madras.



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**T.V.THAMILSELVI J.**  
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