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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

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

CRP No. 2490 of 2026 & CRP No.2544 of 2026

AND

CMP NO. 10580 OF 2026 & CMP NO. 10742 OF 2026

Mohammed Aslam,
S/o. Late.Dr.S.K.M.Ibrahim,
No.778/7B, Penninsula Apartments,
Poonamallee High Road, Kilpauk,
Chennai-600 010.

..Petitioner(s) in
both C.R.P.s

Vs

Asra Mohammed Ashik
W/o. Mohammed Ashik,
No.512, Rajendra Apartment,
No.158, Beracha Road,
Kilpauk,
Chennai-600010

..Respondent(s) in
both C.R.P.s

PRAYER IN CRP No.2490 of 2026

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the Fair and Decretal order passed by the Learned Principal Commercial Court at Egmore, Chennai in IA No. 5 of 2025 in COS No. 62 of 2024 dated 09.03.2026.

PRAYER IN CRP No. 2544 of 2026

Civil Revision Petition filed under Art.227 of Constitution of India, praying to set aside the Fair and Decretal order passed by the Learned Principal Commercial Court at Egmore, Chennai in IA No. 6 of 2025 in COS No. 62 of 2024 dated 09.03.2026.

**In both CRPs**

For Petitioner(s): Mr.G.Ilamurugu

For Respondent(s): Mr.Adarsh Mohandas

COMMON ORDER

Challenging the impugned common order passed in I.A.Nos.5 and 6 of 2025 in C.O.S.No.62 of 20243 by the learned Principal Commercial Courts, Egmore, Chennai, the Revision Petitioner/defendant had preferred these Civil Revision Petitions.

2.Before the trial court, the revision petitioner/defendant filed the applications under Order XVIII Rule 17 read with Sec.151 of C.P.C. seeking to reopen the evidence of P.W.1 and to recall P.W.1 for further cross-examination. On hearing both sides, the said applications were dismissed by the trial judge holding that already sufficient opportunity was given to him cross-examine P.W.1 and detailed cross-examination was also made. Therefore, the subsequent reopening of the case would not arise. Furthermore, the scope of constitution of Commercial Court was to ensure speedy justice and the trial has to be concluded within six months as per the management schedule. So, the trial Court was not inclined to reopen the case, accordingly, both the applications were dismissed. Aggrieved over that findings, the revision petitioner preferred these Civil Revision Petitions.



3.The learned counsel for Revision Petitioner would submit that already he was permitted to cross-examine P.W.1 from 9th to 11th of September 2025. As per the schedule, on 11.09.2025, he has to make further cross-examination of P.W.1, for which he sought permission of the court, but the defendant was not present. Inspite of that, the evidence was closed. Since he has not committed any default on his side in the cooperation of trial proceedings, he filed the applications to reopen and to recall P.W.1 for further cross-examination, but he was not granted permission. Hence, he prayed to grant one more opportunity for him and to set aside the findings of trial court.

4.The learned counsel for respondent raised objections that as per the Commercial Court Act, the proceedings are summary in nature, but only to drag on the proceedings, the revision petitioner/defendant had filed the said applications and the same were rightly dismissed by the trial judge, which requires no interference. He has also pointed out that he is not having valid defence and also submitted that the revision petitioner/defendant had extensively cross-examined P.W.1, but without assigning any reason, he came forward with the said applications and that was rightly dismissed by the trial judge, which requires no interference. Hence, he prayed to dismiss these Civil Revision Petitions.

5. On perusal of records, the fact reveals that after perusal of applications for reopening and recalling the evidence of P.W.1, to commence the trial, the



trial judge had fixed the schedule for examination of plaintiff witnesses on the following dates :-

Witness Name and Rank	Agreed date(s) for evidence
Mrs.Asra Ashick (PW1)	Chief : 7 th or 8 th of August 2025 Cross : 9 th - 11 th of September 2025
Mr.T.C.Sundaravadivel (PW2)	Chief : 22 nd - 26 th of September 2025 Cross : 13 th - 17 th of September 2025

As per the above schedule, to cross-examine the P.W.1, time was granted to the defendant on 9th to 11th September 2025 and 9th and 10th of September 2025, P.w.1 was cross-examined by the defendant. Subsequently, the case was posted on 11.09.2025. According to the revision petitioner, on that day, P.W.1 was not present, but without considering the same, the trial court has not given opportunity to cross-examine, still he is having further cross-examination. The learned counsel would also submit that in the morning itself, he represents that they are not ready. Therefore, the trial court had closed the evidence and if they represents that they are ready to represent the case, they would have called for before the trial court. So, the fact reveals that on 11.09.2025, P.W.1 was not present when the matter was taken up in the open court. Since the witness was not available on 11.09.2025, the revision petitioner was not able to cross-examine her to establish certain facts. As per the schedule fixed by the trial court to cross-examine P.W.1 on 9th to 11th September 2025, she is bound to give evidence on 11.09.2025. Therefore, this Court is inclined to set aside the findings rendered in I.A.Nos.5 and 6 of 2025 in C.O.S.No.62 of 2024 by the



Principal Commercial Court, Egmore, Chennai and to allow both applications.

The trial judge is directed to give opportunity to the revision petitioner to cross-examine P.W.1 when the Court fixes the date and the respondent is directed to cooperate with the proceedings. Accordingly, these Civil Revision Petitions are allowed. No costs. Consequently, connected civil miscellaneous petitions are closed.

24-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

to

The Principal Commercial Court, Egmore, Chennai.



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CRP Nos. 2490 & 2544 of 2



T.V.THAMILSELVI J.

RPP

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