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C.R.P.No.3319 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3319 of 2025

and

CMP No.18330 of 2025

1.R.Selvaraj

2.S.Banumathi

.... Petitioners

Vs

J.Santharaman

.... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket/daily order in O.S.No.5722 of 2023 dated 15.04.2025 passed by the XX Additional City Civil Judge at Chennai and direct to receive the petitioner draft issues memo dated 24.03.2025 for framing of additional issues.

For Petitioners : Mr.Nithysh Sekhar

For Respondent : Mr.Y.Kajanavas

ORDER

This Civil Revision Petition is filed challenging the order passed by the Trial Court rejecting the draft issues filed by the petitioners/plaintiffs on the ground that the issues in the suit were already framed on 03.03.2025.



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2.It is seen from the typed set of papers that, after completion of pleadings, the suit was posted for hearing on 03.03.2025. On that day, the learned counsel for the first defendant filed draft issues, whereas the plaintiffs did not file any draft issues. Based on the draft issues submitted by the learned counsel for the first defendant, the Trial Court framed the following three issues on 03.03.2025 :

- (1) Whether the plaintiff is entitle for a sum of Rs.33,42,917/- together with interest as prays for ?*
- (2) Whether the plaintiff is entitle for the cost as prayed for ?*
- (3) To what other relief the parties are entitle too issues framed ?*

3.In the next hearing date i.e., on 15.04.2025, the counsel for the petitioners filed draft issues and the same were returned by the Trial Court on the ground that the issues were already framed.

4.The learned counsel for the petitioner would submit that the Court has the power to frame or reframe issues at any stage of the proceedings and therefore, the Trial Court committed an error in returning the draft issues filed by the petitioner.



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5.A reading of the pleadings of the parties would indicate that there exists a dispute with regard to the the sale consideration agreed between the parties.

According to the averments made in the plaint, the agreed sale consideration was Rs.83,00,000/-, out of which a sum of Rs.76,63,418 was stated to have been paid as advance. However, as per the written statement, the agreed sale consideration was only rs.56,63,418/-.

6.Thus, there is a clear dispute between the parties regarding the quantum of advance amount allegedly paid by the plaintiffs. The Trial Court has not framed any specific issue with regard to the said dispute. Therefore, the Trial Court is directed to frame issues with regard to the dispute relating to the agreed sale consideration and the quantum of advance amount paid by the plaintiffs.

7.With the above direction, this Civil Revision Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

23.02.2026

Index : Yes/No

Internet : Yes/No

Speaking/Non-speaking order

Neutral citation

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S.SOUNTHAR, J.

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To

The XX Additional Judge,
City Civil Court,
Chennai.

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