



CRP No.3285 of 2025
and CMP Nos.18183 & 30394 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRP No.3285 of 2025
and CMP Nos.18183 & 30394 of 2025

T.Annadurai

... Petitioner

vs

Rekha Devi

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 16.07.2025 passed in MP No.9 of 2025 in MP No.6 of 2021 in RCOP No.1323 of 2018 on the file of the XIII Small Causes Court, Chennai.

For Petitioner : Mr.Saravanan.P

For Respondent : Mr.S.Girish

ORDER

Challenging the impugned order passed in M.P. No.9 of 2025 in M.P. No.6 of 2021 in RCOP.No.1323 of 2018, the tenant has preferred this petition. Before the Trial Court, he has filed an application to restore the Interlocutory Application, which was filed in M.P No.6 of 2021 which

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was dismissed for default on 06.02.2025. That application was contested by the landlord by filing objections. On hearing both sides, the Trial judge has held that to drag on the proceedings, such application has been filed and he is not inclined to proceed with the trial and the reason also not assigned. The petitioner had failed to satisfy the Trial Court with sufficient cause for non appearance on that day and considering all the same, the said application was dismissed. Aggrieved over the same, the civil revision petition has filed.

2. Heard Mr.Saravanan.P, learned counsel for the petitioner and Mr.S.Girish, learned counsel for the respondent.

3. The learned counsel submits that he was not able to appear on that day and therefore, he filed an application to recall and examine himself before the Trial Court in M.P No.6 of 2021 and the same was adjourned to 07.04.2025. On that day he was not able to appear, so it was dismissed. He wants to restore the same to give one more opportunity to adduce evidence on his side. But the Court below failed to give such opportunity so he prays to allow this petition.

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4. The learned counsel for the respondent submits that the evidence commenced in the year 2019 and the revision petitioner / tenant did not cooperate with the proceedings, not paid rent and committed default also and purposely they allowed to dismiss the said application and now they want to restore the same with an intention to drag on the proceedings and to that effect, the findings of the Court below is sustainable and there is no reason which warrants interference.

5. On perusal of the records it reveals that in the year 2019 the landlord was examined and thereafter the trial was prolonged by the adjournment sought by the respondent and he was not inclined to cooperate with the proceedings. On 05.11.2020 the case was posted for respondent's evidence and he filed an application in M.P. No.2 of 2020 and the same was dismissed after several opportunities given to the parties and even then he was not inclined to adduce evidence. The case was adjourned to various dates and thereafter, the evidence was closed. After that he want to reopen the case and he filed reopen application. In that application also he was not inclined to proceed after giving several

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opportunities by the trial judge. Therefore, the conduct of the petitioner/tenant is only to drag on the case without paying rent and the trial was pending from the year 2019. The trial judge has already given sufficient opportunities and the petitioner has also not assigned any proper reason for his non-appearance and the petitioner only made an attempt to protract the proceedings and therefore, the Trial Judge has rightly dismissed the application which requires no interference.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

18.03.2026

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

1. The XIII Small Causes Court, Chennai.



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T.V.THAMILSELVI, J.

mtl

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