



CRP No. 3442 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3442 of 2025 and CMP No.18753 of 2025

1. Sangam Travels
Rep. by its Partners, a. H.S. Asharf Ali, b.
A. Nazrin Farzana, Shop No.7, Prince
Plaza, Second Floor, D.Nos.46 and 47, New
No.73, Pantheon Road, Egmore, Chennai -
008. and 2 Others

2.H.S. Ashraf Ali
S/o. late M.Hamid Sultan, Shop No.7,
Prince Plaza, Second Floor, D.Nos. 46 and
47 New No.73, Pantheon Road, Egmore,
Chennai - 008.

3.Nazrin Farana
W/o H.S. Ashraf Ali, Shop No.7, Prince
Plaza, Second Floor, D.Nos. 46 and 47,
New No.73 Pantheon Road, Egmore,
Chennai - 008.

Petitioner(s)

Vs

1. V.R. Yuvaraj (huf)
Rep. by its Kartha V.R. Yuvaraj, No.6/15,
III Cross Street, Ormes Road, Kilpauk,
Chennai - 010.

Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India



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against the petition and order dated 11.12.2024 passed in I.A.No.2 of 2024 in O.S.No.5334 of 2023 by the learned VII Assistant Judge, City Civil Court, Chennai.

For Petitioner(s): S.S.Swaminathan

For Respondent(s): M/s.K.S.Sundar

ORDER

Challenging the order passed in I.A.No.2 of 2024, the defendants have preferred the above revision.

2. Before the trial Court, the defendants have filed an application in I.A.No.2 of 2024 to set aside the exparte decree passed on 25.07.2024 in O.S.No.5334 of 2023. The application was allowed on condition that the defendants shall pay a sum of Rs.1000/- on or before 06.01.2025 and the case was posted on 06.01.2025. Since the condition was not complied with, the trial Court dismissed the application in I.A.No.2 of 2024. Aggrieved by the same, the defendants have preferred the above revision.

3. Learned counsel for the petitioners/defendants submits that the defendants are not aware of the said order passed by the trial court and only now, they came to know about the exparte order passed by the trial Court and the office has also not



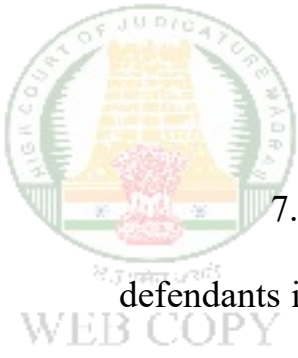
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co-operated to put up the previous records and therefore, they are not able to comply with the order passed by the trial Court.

4. Learned counsel for the respondent/plaintiff submits that the suit was filed in 2023 for recovery of possession along with rental arrears and the defendants are dragging on the proceedings and they have not filed the written statement and even along with application to set aside the ex parte order, they have not filed written statement and also have not complied with the order passed by the trial court and therefore the respondent/plaintiff prays for dismissal of the revision.

5. Considered the submissions of both sides and perused the materials available on record.

6. The respondent/plaintiff filed a suit in 2023 for recovery of possession along with rental arrears. The plaintiff is aged at 70 years now and as on date, according to the respondent/plaintiff, the revision petitioners/defendants are tenants, occupying the premises and the revision petitioners/defendants have committed default in payment of rent due to pendency of the suit proceedings.



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7. Learned counsel for the revision petitioners/defendants submits that the defendants intended to file a written statement and proceed with the matter, but the trial Court has not given such opportunity.

8. In view of the above submission, the impugned order passed by the trial Court in I.A.No.2 of 2024 is set aside. The revision petitioners/defendants are directed to deposit a sum of Rs.3,00,000/-(Rupees Three Lakhs Only) to the credit of O.S.No.5334 of 2023 without prejudice to their defence before the trial court within a period of six weeks from the date of receipt of a copy of this order and on such deposit, the respondent/plaintiff is permitted to withdraw the said amount on filing undertaking affidavit.

9. Since the respondent/plaintiff is aged about 70 years, the revision petitioners/defendants are directed to file written statement and proceed with the trial and the trial court is directed to dispose of the suit in O.S.No.5334 of 2023 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.



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10. With the above direction, the civil revision petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The VII Assistant City Civil Court, Chennai



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