



WEB COPY

CRP No. 3542 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

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

CRP No. 3542 of 2025

C.Venkatesulu
1/139, V.R.N.Kandigai, Thadur Post, Tiruttani
Taluk, Tiruvallur District

.. Petitioner

Vs

M.Vijaya Kumar
S/o Jayarama Naidu No.281, Periya Street,
Koramangalam Village,
Thirutani Tk 631 205

.. Respondent

Prayer: Civil Revision Petition filed under Art.227 of the Constitution of India praying to set aside the Order dated 17.03.2025 of the 1st Additional District and Sessions Judge at Tiruvallur in IA.No. 1 of 2025 in OS.No. 487 of 2025 and thus render justice

For Petitioner(s): M/s.T.Saikrishna Bhagavat

For Respondent(s): No Appearance

ORDER

This Civil Revision Petition is filed to set aside the Order dated 17.03.2025 of the 1st Additional District and Sessions Judge at Tiruvallur in IA.No. 1 of 2025 in OS.No. 487 of 2025.



2. Though notice has been served on the respondent, the respondent has not entered appearance before the court either in person or through counsel.

3. The petitioner/plaintiff has filed a suit in O.S.No.25 of 2025 before the I Addl. District and Sessions Judge at Tiruvallur praying for a direction to the defendant to pay plaintiff an amount of Rs.13,71,150/- along with interest and for costs.

4. Pending suit, the respondent/ defendant filed I.A.No.1 of 2025 under Order 37 Rule 3(5) of CPC to grant leave to the petitioner/defendant to contest the case on merits and the same was allowed by the trial judge unconditionally.

5. The learned counsel for the petitioner/plaintiff pointed out that he has filed documents Ex.P.1 to P.8 before the trial court, wherein, Ex.P.8 is a pen drive along with video recording of defendant's executing the promissory notes. Ex.P.8 pen drive shows the manner of execution of pronotes, however it was not discussed by the court below and regarding the same, the court below has not made any observation to that effect in the impugned order. Therefore, the petitioner/plaintiff has challenged the order impugned, as the same is not a full fledged order.



6. Perusal of the impugned order passed by the trial court reveals that the documents Ex.P.1 to Ex.P.7 were discussed by the trial court, but no observation has been made with regard to Ex.P.8-pendrive. Further, in the e-courts status, Ex.P.8 has already been marked before the trial court. So the impugned order requires to be re-visited.

7. Furthermore, since an unconditional leave is granted to the defendant, which caused great prejudice to the plaintiff, this court is inclined to set aside the order passed by the trial court. Accordingly, the order passed by the trial Judge in I.A.No.1 of 2025 is set aside.

8. The trial judge is directed to dispose of the said I.A.No.1 of 2025 after considering all the records submitted on the side of the revision petitioner/plaintiff including Ex.P.8 within a period of eight weeks from the date of receipt of a copy of this order.

9. The Civil Revision Petition is allowed accordingly. No costs.

06-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
msr



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To

The I Addl. District and
Sessions Judge, Tiruvallur.



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T.V.THAMILSELVI J.

msr

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