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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2435 of 2026

CNR: {HCMA011713702025}

C.K.Ravi Shankar
S/o. C.Kothandapani,
No.143/158, Otraivadai Street,
Kodambakkam,
Chennai.

Case QR

..Petitioner(s)

Vs

K.V.Saravanan @ Saran
Son of Kulandhai Velayudham,
G-1, Elite Empire,
317, Valluvarkottam High Road,
Nungambakkam,
Chennai.

..Respondent(s)

Prayer: To set aside the dismissal order in CC.No.3873 of 2019 on the file of the Honble Metropolitan Magistrate FTC-III, Saidapet dated 02.08.2024 and pass such other order of further orders.

For Petitioner(s): Ms. U. Amirtha
for M/s.M.Rakhi

ORDER

This petition is filed by the petitioner seeking to set aside the dismissal order in CC.No.3873 of 2019 on the file of the Metropolitan Magistrate FTC-III, Saidapet dated 02.08.2024.

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2. Learned counsel for the petitioner submitted that the petitioner herein is the complainant in C.C.No.3873 of 2019 on the file of the Metropolitan Magistrate FTC-III, Saidapet. He submitted that the petitioner has been regularly appearing before the trial court for the hearings, but on the date fixed, i.e., on 02.08.2024, the petitioner/complainant was not present and his counsel was busy in some other court. The trial court, instead of fixing next date of hearing in the said case, dismissed the complaint on the ground that there was no representation on behalf of the complainant/petitioner and the process fee was not paid. It was further submitted that the counsel who was engaged by the complainant/petitioner was died during the pendency of the complaint and that the petitioner was not informed about the default order passed by the trial court for non payment of process fee. Only after 02.08.2024, the petitioner came to know about the dismissal order passed by the trial court for non payment of process fee.

3. It is further submitted by the learned counsel for the petitioner that there was no fault on behalf of the complainant /petitioner and the petitioner is very much willing to pay the process fee. It is further argued by the learned counsel for the petitioner that this court may pass a conditional order and the trial court may be directed to decide the complaint on merits after hearing the necessary parties.

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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. From a perusal of the impugned order, the only ground taken in the impugned order is that there is no representation on behalf of the complainant and the complainant/petitioner has not paid the process fee inspite of the conditional order being passed by the trial court. It is the contention of the petitioner that during the pendency of the case, his counsel died, hence, the petitioner was not being informed about the conditional order passed by the trial court for paying process fee, due to which, he was not aware of the impugned order passed by the trial court. There appears some force in the argument made by the learned counsel for the petitioner. Thus, this court, in the interest of justice, grants one more opportunity to comply with the conditional order passed by the trial court and pay the process fee, as directed by the trial court, within a period of three weeks from the date of receipt of a copy of this order.

6. In the result, the impugned order passed by the Metropolitan Magistrate FTC-III, Saidapet, dated 02.08.2024 in C.C.No.3873 of 2019 is hereby set aside. The trial court is directed to proceed in the matter on merits, after affording an opportunity of hearing to the parties concerned, without

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granting unnecessary adjournments, unless there is any cogent reasons.

7. With the above observations, this petition is finally disposed of.

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Index: Yes
Speaking
Neutral Citation: Yes
MSR

To

The Metropolitan Magistrate FTC-III, Saidapet

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SHAMIM AHMED, J.

MSR

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