WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6659 of 2026

CNR: {HCMA012427332026}

Sri Sathya Sai Mandali Trust
Rep by its Managing Trustee
S. Ravindra Kumar, No.93, Mount Road,
Guindy, Chennai 32

..Petitioner(s)

Vs

M.L.Sampath Kumar (Died)

1. Chitra Sampath
   Res at Flat No.2-B,
   GRN Mangala Villa
   No.32/16, Ramachandran St,
   T.Nagar, Chennai 17.

2. M.S.Giridar
   Res at Flat No.2-B,
   GRN Mangala Villa
   No.32/16, Ramachandran St,
   T.Nagar, Chennai 17

3. M.S.Vijay Sampath Kumar
   Res at Flat No.2-B,
   GRN Mangala Villa
   No.32/16, Ramachandran St,
   T.Nagar, Chennai 17.
   (Amended as per the order in
   IA.No.4/2026 dated 04.07.2026).

..Respondent(s)

https://www.mhc.tn.gov.in/judis

WEB COPY

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Order and decretal order passed in IA.No.3/2024 in OS.No.5122/2015 dated 31.08.2026 passed by the IV Assistant Judge, City Civil Court at Chennai.

For Petitioner(s): Mr. E.Aneesh Vinayak

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Trial Court, dismissing the application filed by the petitioner seeking restoration of the suit in O.S.No.5122 of 2015 on the file of IV Assistant Judge, City Civil Court, Chennai.

2. The petitioner herein/plaintiff filed the above said suit seeking declaration and injunction and it was dismissed for default on 11.01.2023. The petitioner filed an application in I.A.No.3 of 2024 seeking restoration of the suit and the same was allowed on 31.08.2026 on condition to pay a sum of Rs.3,000/- as costs by the petitioner/plaintiff to the respondent/defendant, on or before 09.09.2026. When the matter was called on 10.09.2026, it was reported that the petitioner has failed to comply with the condition. Hence, the Trial Court has dismissed the restoration application filed by the petitioner.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. If the petitioner failed to comply with the condition imposed by the Trial Court, the Court had no other option but to dismiss the application and hence, we cannot find fault with the impugned order passed by the Trial Court. If the petitioner was prevented by sufficient cause from complying with the condition imposed by the Trial Court, it is for him to file an appropriate application before the Trial Court seeking extension of time to pay the costs. Therefore, the petitioner is not entitled to challenge the order passed by the Trial Court, dismissing restoration petition for his failure to comply with the condition imposed by the Trial Court.

4. Accordingly, this civil revision petition is dismissed with liberty to the petitioner to file an appropriate application before trial court, seeking extension of time to comply with the condition imposed by the Trial Court on 31.08.2026. There shall be no order as to costs.

27-10-2026

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

MST

To

The IV Assistant Judge,
City Civil Court, Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.SOUNTHAR, J.

MST

CRP No. 6659 of 2026

27-10-2026

https://www.mhc.tn.gov.in/judis