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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-03-2026**

CORAM

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

**CRP No. 6234 of 2025, CRP NO. 6237 OF 2025 & CRP NO. 6238 OF 2025**

**AND**

**CMP NO. 30797 OF 2025, CMP NO. 30803 OF 2025 &**

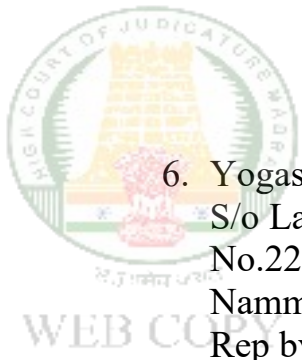
**CMP NO. 30817 OF 2025**

Sumathi Selvaraj  
W/o.P.Selvaraj, C-34, Venkataraman Street,  
Periyar Street, Chennai 600 082

..Petitioner(s) in  
all C.R.P.s

Vs

1. Park Town Benefit Fund Ltd  
rep by its Chairman and Managing Director,  
223, Mint Street, Madras 600 033.
2. Vamana Auctioneers  
Rep by its Partner,  
Room No.137, 1<sup>st</sup> Floor, E.K.Guru Street,  
Periamet, New No.1, Old No.7,  
Madras 600 003  
  
R.Jawahar (Died)
3. Ranganathan  
Subbaraya Chetty Main Street, Nammalvarpet,  
Chennai 12
4. Vijayalakshmi  
No.22, Subbaraya Chetty Main Street,  
Nammalvarpet, Chennai 12
5. Lakshmi  
W/o Late R.Jawahar S/o Late R.Jawahar  
Res at No.22, Subbaraya Chetty Main Street,  
Nammalvarpet, Chennai 12



6. Yogasudakar Minor  
S/o Late R.Jawahar S/o Late R.Jawahar Res at  
No.22, Subbaraya Chetty Main Street,  
Nammalvarpet, Chennai 12  
Rep by Mother and Natural Guardian Lakshmi
7. Sadana Minor  
S/o Late R.Jawahar S/o Late R.Jawahar  
Res at No.22, Subbaraya Chetty Main Street,  
Nammalvarpet, Chennai 12  
Rep by Mother and Natural Guardian Lakshmi
8. R.Hemalatha  
Mother Late R.Jawahar Res at No.22,  
Subbaraya Chetty Main Street, Nammalvarpet,  
Chennai 12

..Respondent(s) in  
all C.R.P.s

**PRAYER IN CRP No. 6234 of 2025**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair order and decree passed in IA.No.5 of 2024 in OS.No.1913 of 2021 (CS No. 846 of 2001) dated 17.11.2025 by the learned IV Additional Judge, City Civil Court, Chennai.

**PRAYER IN CRP No. 6237 of 2025**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair order and decree passed in IA.No.6 of 2024 in OS.No.1913 of 2021 (CS No. 846 of 2001) dated 17.11.2025 by the learned IV Additional Judge, City Civil Court, Chennai.

**PRAYER IN CRP No. 6238 of 2025**

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair order and decree passed in IA.No.7 of 2025 in OS.No.1913 of 2021 (CS No. 846 of 2001) dated 17.11.2025 by the learned IV Additional Judge, City Civil Court, Chennai.

**In all CRPs**

For Petitioner(s): Mr. T.S.Rajamohan

For Respondent(s): R3, R5 to R8 – No appearance  
R1, R2 & R4 – service awaited

**COMMON ORDER**

Challenging the impugned common order passed in I.A.Nos.5 to 7 of 2025 in O.S.No.1913 of 2021 by the learned IV Additional Judge, City Civil Court, Chennai, the Revision Petitioner/plaintiff preferred these Civil Revision Petitions.

2. Despite service of notice, there is no representation on the side of respondents 3 and 5 to 8. With respect to the other respondents 1, 2 and 4, service awaited. But before the trial court, all the respondents have contested the suit.

3. Before the trial court, the Revision Petitioner/plaintiff filed applications in I.A.Nos.5 to 7 of 2024 seeking to reopen, recall and mark the documents. All the applications were dismissed by the trial judge on hearing the respondents/defendants holding that the trial started long back and without assigning any proper reason, she came forward with the said applications to reopen and recall the witnesses though sufficient opportunity was given to her, but without assigning any reason, she wanted to mark the fixed deposit receipt



and also why it was not produced earlier and only to drag on the proceedings, the said applications were filed. Aggrieved over the said findings, the Revision Petitioner/plaintiff preferred these Civil Revision Petitions.

4. The learned counsel for Revision Petitioner would submit that she wanted to mark the original fixed deposit receipt, for that, she had filed applications to reopen and recall her side evidence, but the trial judge erroneously dismissed the applications. Hence, she prayed to set aside the findings of trial judge.

5. Admittedly, the case is of the year 2003 and the prayer was sought by the Revision Petitioner/plaintiff to declare the auction sale as null and void. Hence, now she wanted to mark the fixed deposit receipt issued by the 1<sup>st</sup> defendant, who remained exparte in the suit. Therefore, to prove her claim and to seek such declaratory relief, all the documents are permitted to be produced before the trial court. Since the trial court is the fact finding court, if the parties are not given proper opportunity, their valuable right to defend their case as well as to protect the property will be defeated. Though the trial was started long back, this Court is inclined to set aside the findings of the trial judge in I.A.Nos.5 to 7 of 2024 and to allow all the Civil Revision Petitions. The Revision Petitioner is directed to produce the fixed deposit receipt before the trial court. On receipt of the same, the trial court is directed to proceed with the



case by giving proper opportunity to both parties and the parties are directed to cooperate with the trial proceedings. Accordingly, all the Civil Revision Petitions are allowed. No costs.

**09-03-2026**

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

RPP

To

The IV Additional Judge, City Civil Court, Chennai.



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CRP Nos. 6234, 6237 & 6238 of 2



**T.V.THAMILSELVI J.**

**RPP**

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& CRP NO. 6238 OF 2025  
AND  
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