



C.R.P.(MD)No.18 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.18 of 2026 and
C.M.P.(MD)No.85 of 2026

D.Parimala Devi

... Petitioner

-VS.-

T.Thilagavathy

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order, dated 28.11.2025 passed in I.A.No.7 of 2025 in O.S.No.239 of 2018 on the file of the learned II Additional District Court, Tiruchirappalli.

For Petitioner :Mr.V.R.Shanmuganathan
For Respondent :Ms.A.Zubaitha Banu
M/s.Tap Law Office

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the learned II Additional District Court, Tiruchirappalli, in I.A.No.7 of 2025 in O.S.No.239 of 2018, dated 28.11.2025.



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2.Heard Mr.V.R.Shanmuganathan, learned Counsel for the Revision Petitioner and Ms.A.Zubaitha Banu, learned Counsel for the respondent.

3.The petitioner is the plaintiff in the suit in O.S.No.239 of 2018 on the file of the II Additional District Court, Tiruchirappalli. The respondent is the defendant in the suit. The said suit was filed seeking for a direction to direct the defendant to refund a sum of Rs.32,85,707/- being the excess payment together with interest @ 12% per annum, towards sale consideration pursuant to the sale agreement, dated 23.12.2013. During the argument stage, the respondent herein has filed an application in I.A.No.7 of 2025 to reopen the defendant side witness. The learned II Additional District Court, Tiruchirappalli, vide impugned order, dated 28.11.2025, had allowed the said application. Challenging the same, the present Civil Revision Petition has been filed.

4.Mr.VR.Shanmuganathan, learned Counsel for the petitioner submitted that the suit was filed in the year 2018. Earlier, since the defendant has not come forward to let in evidence, the defendant's side witness was closed on



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15.03.2023 and the suit was posted for argument of the plaintiff side on 28.03.2023 and they also completed their submissions. At that stage, the defendant has filed applications in I.A.Nos.4, 5 and 6 of 2023 seeking to reopen, recall and for receipt of the documents, which were came to be allowed and challenging the same, the petitioner herein has filed revision petitions in C.R.P(MD)Nos.331 to 333 of 2025. He further submitted that this Court vide order, dated 07.04.2025, had directed the Court below to dispose of the suit on or before 30.06.2025. However, even thereafter, when the case was posted for defendant side evidence on 26.09.2025, he has not attended the Court and hence, the Court below has closed the defendant's side witness.

5.It is his vehement contention that without even assigning any valid reasons, the respondent has filed the present application, which came to be allowed in a mechanical manner. The Court below has not given any reasons for allowing the application filed by the respondent. He further submitted that the only ground for allowing the application is to give one more opportunity. However, the Court has not taken into consideration the directions issued by this Court to conclude the suit on or before 30.06.2025.



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6.The learned Counsel for the petitioner submitted that the trial was not completed as per the directions of this Court. Apart from that, the evidence of the defendant was recorded on 02.12.2025 and exhibits were marked. Now, the contention of the learned Counsel for the petitioner is that as recording of evidence is after the cut off date of 30.06.2025, the same should not be taken into consideration, as several opportunities were given, which were not availed by the respondent.

7.*Per contra*, Ms.A.Zubaitha Banu, learned Counsel for the respondent submitted that even though the respondent has regularly been appearing before the Court below, due to viral fever, he could not appear before the Court below on 26.09.2025 and that he has filed the present application, which has been rightly allowed by the Court below. She strongly refuted the contention of the learned Counsel for the petitioner that the evidence marked on the side of the defendant should not be taken into consideration and as the evidence was marked on the side of the defendant after allowing the interlocutory application. Hence, the present petition has become infructuous and liable to be dismissed.



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8.This Court considered the submissions made on either side and perused the materials available on record.

9.A perusal of the impugned order reflects that the Court below has passed the impugned order in a cryptic manner that “*Heard on records. This petition is allowed in order to give an opportunity*”. As the respondent was already given one opportunity to reopen the defendant's side witness by the Court below, which was confirmed by this Court, the respondent has not given due diligence to the directions issued by the Court below. He was again absent, when the case was posted for defendant's side witness and the only reason attributed by the respondent is that he had suffered with viral fever. Further, accepting the same, the Court below has passed a cryptic order without even considering the directions issued by this Court that the suit should be concluded on or before 30.06.2025. Hence, the impugned order is liable to be set aside.



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10.In the result, the Civil Revision Petition is allowed and the impugned order passed by the learned II Additional District Court, Tiruchirappalli, in I.A.No.7 of 2025 in O.S.No.239 of 2018, dated 28.11.2025, is hereby set aside, however, the evidence recorded by the trial Court on 02.12.2025 will not get affected. As the earlier order of this Court to complete the trial is not complied by the trial Court, the trial Court is directed to complete the trial and pronounce the judgment within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.02.2026

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

The II Additional District, Tiruchirappalli.



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N.SENTHILKUMAR, J.

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