

C.R.P.(MD) No.1215 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.1215 of 2026
and
CMP(MD) No.5817 of 2026**

T.Thirupathy

... Petitioner

vs.

P.Sharmila

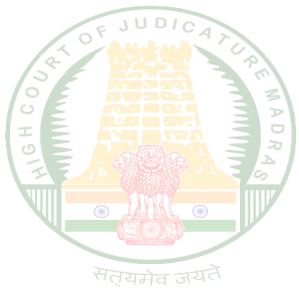
... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and docket order passed in I.A.No.5 of 2026 in O.S.No.376 of 2021 on the file of the learned V Additional District Court dated 11.03.2026.

For Petitioner : Mr.J.Siddharth for
Mr.Niranjana S.Kumar
For Respondent : Mr.A.Haja Mohideen

ORDER

The defendant is the civil revision petitioner. He challenges the order passed by the learned V Additional District Judge at Madurai in I.A.No.5 of 2026 in O.S.No.376 of 2021 dated 11.03.2026, dismissing an application under Order VIII Rule 1A(3) of the Code of Civil Procedure.



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WEB COPY 2.O.S.No.376 of 2021 is a suit for recovery of money on the foot of a promissory note. The plaintiff claims that the defendant had executed the promissory note dated 15.03.2020, promising to return on demand a sum of Rs.20,00,000/-. The defendant defaulted. Hence, the suit.

3.Summons were served on the defendant. The defendant conceded that the signature found on the promissory note is his. He pleaded that he was in a business transaction with Mr.Balachandran, the husband of the plaintiff. The line of business was sale of firecrackers. He urged that during the course of the said business, blank documents had been executed by him and misusing the said documents, the plaintiff has presented the present suit.

4.The evidence of P.W1 and D.W1 has been completed. When the case was posted for further defendant side evidence, he filed his proof affidavit along with certain documents. The learned Judge received the proof affidavit but not the documents, as they had not been filed along with the original written statement. Hence, the petitioner filed an application under Order VIII Rule 1A(3) of the Code.



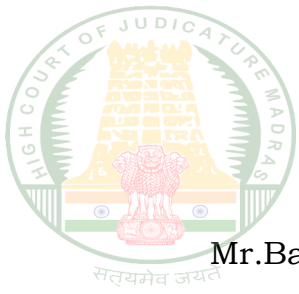
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It was withdrawn by the defendant. Subsequently, a new counsel was engaged and the said counsel filed an application in I.A.No.5 of 2026.

5.The learned Judge took up the application for disposal and dismissed the same. He held that the plaintiff, having completed her evidence, the defendant did not co-operate with the Court. Hence, the Court was constrained to close his evidence. Thereafter, he filed an application to re-open the evidence, which was allowed on terms. It was at that stage, the application was filed to receive additional evidence was filed and withdrawn. The learned Judge pointed out that from 29.07.2025 onwards, the defendant was not co-operating with the Court for disposal, but has been changing the counsel, in order to come out with a new strategy, to drag on the matter. Consequent to this discussion, he dismissed the petition. Hence, this revision.

6.I heard Mr.J.Sidharth for the civil revision petitioner and Mr.A.Haja Mohideen for the respondent.

7.Mr.J.Sidharth states that the documents, which he seeks to introduce are vital documents, which would go to show that there was an active business connection between the defendant and



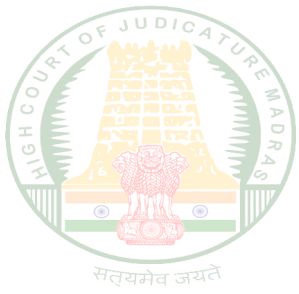
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Mr.Balachandran (the husband of the plaintiff). This will throw light on the defense that has been taken by him in his written statement.

8.He relies upon a judgment of the Supreme Court in ***Sugandhi (dead) by legal heirs and others Vs. P.Rajkumar, AIR 2020 SC 5486*** and states that as directed by the Supreme Court, the Trial Court ought to have taken a liberal approach to the petition before it and failure to do so requires interference.

9.Mr.A.Haja Mohideen states that the defendant had admitted that he had executed the promissory note in blank. Hence, automatically, Section 20 of the Negotiable Instruments Act, 1881, comes into operation. He further invites my attention to the evidence of D.WI to point out that during the course of cross-examination, the defendant has admitted that the firecracker business between Balachandran and the defendant never took off. He states that this is yet another attempt by the defendant to drag on the matter and keep the suit pending for a few more years.

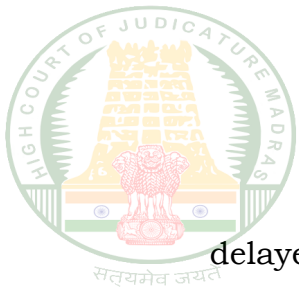
10.I have carefully considered the submissions of both sides. I have gone through the records.



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WEB COPY 11.At the stage of dealing with an application under Order VIII Rule 1-A(3) of the Code, a Court is normally not concerned with the merits of the defense in the suit. A Court only looks at whether the defendant has given good cause for the purpose of allowing the application. As rightly contended by Mr.J.Sidharth, the Supreme Court in the case of ***Sugandhi (died) Vs. P.Rajkumar*** (cited supra) had directed that a Court must always lean in favour of substantial justice, rather than highlighting procedural and technical violations. The Supreme Court also pointed out that an application under Order VIII Rule 1-A(3) of the Code requires liberal and lenient interpretation. Whether the documents are in fact going to help the defendant in the suit or not is for the learned V Additional District Judge to decide after trial. For the present, applying the aforesaid judgment, I am inclined to set aside the impugned order.

12.However, I have to take into consideration the trials and tribulations faced by the plaintiff. Had the defendant filed these documents along with his written statement, perhaps, the suit itself would have been over by now. The defendant would have to make good the loss that has been suffered by the plaintiff on account of the



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delayed filing of the application. Hence, this Civil Revision Petition is

allowed on the following terms:-

i) The order passed by the learned V Additional District Judge at Madurai in I.A.No.5 of 2026 in O.S.No.376 of 2021 dated 11.03.2026 is set aside on condition that the defendant pays the plaintiff a sum of Rs.10,000/- **by 30.04.2026.**

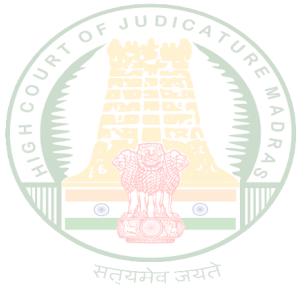
ii) On 01.06.2026, the learned V Additional District Judge at Madurai, shall verify as to whether the cost has been paid as directed by this Court.

iii) In case, the cost has been paid, the learned Judge shall allow the defendant to mark the documents filed along with I.A.No.5 of 2026.

iv) The defendant will be permitted a day or two at the maximum for the purpose of marking the documents and not any further time.

v) Mr.A.Haja Mohideen undertakes to cross-examine the defendant on these documents on the day they are marked or on the subsequent day.

vi) The learned Judge is requested to dispose of the suit itself **by 30.06.2026.**



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vii) In case, the cost is not paid, the Civil Revision Petition will

stand dismissed without further notice to this Court.

No costs. Consequently, connected Miscellaneous Petition is closed.

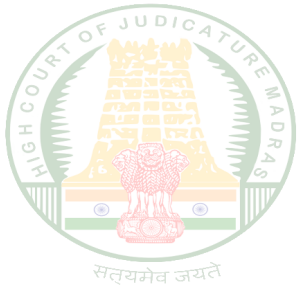
Index :Yes / No
Internet :Yes / No
NCC :Yes / No

28.04.2026

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To

The V Additional District Judge, Madurai.



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V. LAKSHMINARAYANAN, J.

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