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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A Nos. 1729 & 1730 of 2026

in

OA NO. 638 & 639 of 2024

in

CS NO. 205 OF 2024

24 Manai Telugu Chettiargal Tamil Manila Peravai
Rep by its State Secretary,
Mr.D.Gopalakrishnan,
S/o Mr.T.P.Devaraj,
G2, Sree Homes Apartment,
4/28, Gopalamenon Street,
Kodambakkam, Chennai 600 024.

..Applicant(s)

Vs

1. 24 Manai Telugu Chettiar Charitable Trust
Old No.155, New No.203, E.V.R. High Road,
Kilpauk, Chennai - 600 010.
Rep by its.
(1) Chairman cum Managing Trustee
Mr.K.C.Pallanisamy, S/o.Late Chinnappa
Chettiar, 339/1, Chinna Andan Koil Road,
Karur 639 001.
(2) Treasurer cum Joint Secretary
Mr. Manohar Sangilimithu alias R.S.Manohar
S/o. Mr.Sangilimuthu, Door No. 84 B, 5th
Cross West Thillai Nagar, Tiruchirapalli 620
018.
2. 24 Manai Telugu Chettiargal Tamil Manila
Peravai
Rep by its President, P.L.A.Jagannatha Mishra,
S/o.P.L.Alagarsamy Chettiar,
Having Registered Office at 54/1, Rajalakshmi
Complex, Keezha Vaidyanathapuram,
Thatheneri Main Road, Thathaneri, Madurai
625 018.



..Respondent(s)

A No. 1730 of 2026

24 Manai Telugu Chettiargal Tamil Manila Peravai
Rep by its State Secretary Mr.D.Gopalakrishnan,
S/o.Mr.T.P.Devaraj, G2, Sree Homes Apartment,
4/28, Gopalamenon Street, Kodambakkam,
Chennai - 600 024.

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(2). Treasurer cum Joint Secretary Mr. Manohar
Sangilimithu alias R.S.Manohar S/o.
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Thatheneri Main Road, Thathaneri, Madurai
625 018.

..Respondent(s)

A No. 1729 of 2026

To reopen Plaintiff side evidence for the purpose of further cross
examination of PW1.

A No. 1730 of 2026

To Recall PW1 for the purpose of further cross examination of him.



IN both applications:

For Applicant(s): M/S.S. Pushpakaran

For Respondent(s): Mr.K.V.Babu

COMMON ORDER

These applications are filed by the second defendant to reopen the plaintiff's evidence and recall PW1 for further cross-examination.

2. The applicant states that the suit is one for permanent injunction founded upon the plaintiff's alleged possession of the suit property and that, owing to inadvertence, certain circumstances bearing upon such possession were not sufficiently put to PW1. The plaintiff/respondent filed the counter and opposes the applications on the ground that PW1 had already been extensively cross-examined and that the present attempt is intended to prolong the proceedings.

3. Order XVIII Rule 17 CPC principally preserves the power of the Court to recall a witness for clarification and cannot ordinarily be invoked by a party to fill a lacuna in its evidence. Nevertheless, where the circumstances warrant, the Court may, in exercise of its inherent power under Section 151 CPC, permit limited further examination or cross-examination to secure a complete and effective adjudication. Such power must be exercised sparingly, upon terms



which prevent delay and prejudice.

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4. A party seeking further cross-examination must disclose the subject and relevance of the proposed inquiry; In the present case, the affidavit sufficiently identifies the proposed field of inquiry as the plaintiff's actual possession of the suit property during the material period, which is a central issue in the suit.

5. The applications were presented before the commencement of the second defendant's evidence and before final arguments. The trial has, therefore, not reached an irreversible stage. Having regard to the nature of the suit and the issue involved, this Court is of the view that a further opportunity to cross-examine PW1 would assist in the complete adjudication of the dispute.

6. Accordingly, both applications are allowed.

7. The Additional Master shall fix an early date for the appearance of PW1 and proceed with the further cross-examination. Thereafter, the suit shall proceed expeditiously.

JRS

06-08-2026



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DR.A.D.MARIA CLETE J.

JRS

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