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CRP No. 3874 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3874 of 2026

Selvaraj (Dead)

1. S.Dhayas Raj,
2. S.Selvarani,
3. Chrispinraj,
4. Febsilin Joshuva
5. Moslin Esther,

..Petitioner(s)

Vs

C.Selvaraj

..Respondent(s)

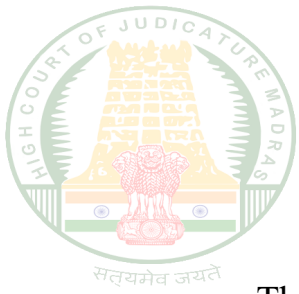
This Civil Revision Petitioner has been filed under Article 227 of the Constitution of India seeking to set aside the Fair and Decretal Order dated 08.06.2026 passed in I.A.No.11 of 2026 in O.S.No.33 of 2025 on the file of District Munsif, Ponneri.

For Petitioner(s):

Mr.N .R.Anantha Rama Krishna

For Respondent(s):

Mr.V.Raghavachari,
Senior Counsel
for Mr. E.Prabu
Counsel for Caveator



ORDER

WEB COPY This Civil Revision Petition (CRP) has been filed challenging the impugned order passed by the District Munsif Court, Ponneri, in I.A.No.11 of 2026 in O.S.No.33 of 2025, dated 08.06.2026. In the aforesaid order, the application filed by the petitioners, who are the defendants in O.S.No.33 of 2025, under Order XVI Rule 1 read with Section 151 of the Code of Civil Procedure (CPC), to examine a witness by name Mr.G.Nagarajan, has been dismissed.

2. The respondent/plaintiff had filed the aforesaid suit against the defendants for ejecting them from the suit schedule property. When the suit was in part-heard stage, I.A.No.11 of 2026 was filed by the petitioners/defendants as stated supra. Under the impugned order, the trial Court has rejected the petitioners' application on the following grounds:-

(a) The petitioners/defendants have categorically admitted that they have attorned the tenancy in favour of the respondent/plaintiff, who is the subsequent purchaser of the suit schedule property, in their written statement. The admission made by the defendants in their written statement has also been reproduced in the impugned order, which is also reproduced by this Court hereunder:-



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“Now that the plaintiff claim to be the owner and there is admitted attornment of tenancy the defendants are prepared to pay the rent for the period 01.10.2012 to this date.”

Having admitted the landlord/tenancy relationship between the respondent/plaintiff and the petitioners/defendants, the application filed by the petitioners/defendants through I.A.No.11 of 2026 cannot be entertained.

(b) The relevance of the evidence has not been explained by the petitioners in the affidavit filed in support of I.A.No.11 of 2026.

(c) The proposed witness is not a party to the tenancy arrangement, and therefore, any evidence sought to be elicited from such witness would be peripheral and not germane to the real controversy involved in the suit.

(d) It is well settled that a party seeking to examine witnesses must comply with the procedural requirements prescribed under the Code of Civil Procedure. The furnishing of a list of witnesses within the time contemplated under law is not an empty formality, but, a mandatory procedure for orderly conduct of the trial.

(e) In the present case, the petitioners have failed to comply with the aforesaid procedural requirements prescribed under the



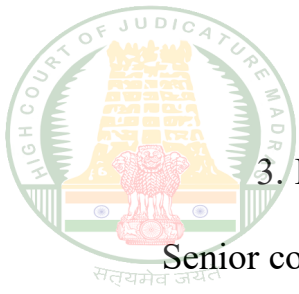
Code of Civil Procedure.

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(f) The records further reveal that the High Court, by its order dated 29.08.2022 passed in CRP.No.2713 of 2022, directed expeditious disposal of the suit within a period of six months. The High Court, once again, by its order dated 18.03.2026 passed in CRP.No.1368 of 2026, directed the court to dispose of the aforesaid suit within a period of 3 months.

(g) As seen from the adjudication record, the petitioners/defendants have been seeking repeated adjournments and filing IAs on various stages resulting in further delay in the disposal of the suit.

(h) The suit is essentially one for eviction and arrears of rent filed by the respondent/plaintiff. The necessity for summoning a witness must be established with reference to the issues arising for consideration and the relevance of the evidence sought to be adduced. In the present case, there is no necessity for summoning the witness as claimed by the petitioners/defendants. If the application filed by the petitioners/defendants is entertained, it will further delay the disposal of the suit.



3. Heard the learned counsel appearing for the petitioners and the learned Senior counsel appearing for the respondent.

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DISCUSSION:

4. The following are the undisputed facts:

(a) For early disposal of this suit, this Court had already issued two directions; one directing the trial Court to dispose of the suit within a period of six months; and the other directing the trial Court to dispose of the suit within a period of three months. Admittedly, the timelines fixed by this Court through the aforesaid two orders could not be complied with by the trial Court.

(b) In the impugned order, the trial Court had also recorded that the petitioners/defendants have been repeatedly seeking adjournment. The said fact is neither disputed nor admitted by the learned counsel for the petitioners before this Court.

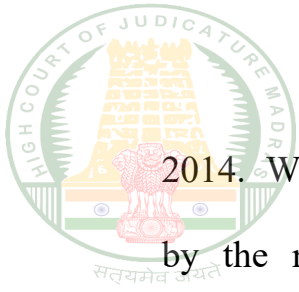
5. The suit has been filed for ejectment. The petitioners/defendants are the tenants. Though the petitioners/defendants may claim in this CRP that the respondent/plaintiff is not their landlord, their pleadings in the written statement discloses otherwise. As recorded by the trial Court under the impugned order, the petitioners/defendants have admitted that they have attorned tenancy in favour of the respondent/plaintiff. Though the learned counsel for the



petitioners would submit that the petitioners/defendants never attorned the tenancy and that the trial Court has misconstrued the pleadings in the written statement, it can be decided only after trial.

6. Admittedly, the procedure contemplated under Order XVI Rule 1 of the CPC has not been adhered to by the petitioners/defendants while submitting the list of witnesses. If the petitioners/defendants were really interested in examining the witness at the first instance, they ought to have submitted a list of witnesses, that included Mr.G.Nagarajan. Admittedly, they have not submitted the list of witnesses, which includes the name of Mr.G.Nagarajan as required under Order XVI Rule 1 of the CPC. When the petitioners/defendants claim that the respondent/plaintiff is not their landlord, and the respondent/plaintiff also claims that only his father was well conversant with the tenancy and is no more, they ought to have submitted a list of witnesses as per Order XVI Rule 1 of the CPC, including the name of Mr.G.Nagarajan as one of the witnesses. Having failed to do so at the first instance, the question of entertaining the application filed under Order XVI Rule 1 of the CPC seeking to examine Mr.G.Nagarajan at a later stage does not arise. The trial Court has rightly dismissed the application.

7. The suit is of the year 2014, as the suit was originally instituted before the District Munsif Court, Thiruvottiyour, and numbered as O.S.No.298 of



2014. When two directions had already been issued by this Court in CRPs filed by the respective parties for early disposal of the suit, the question of entertaining this CRP aggrieved by the order dismissing the application seeking to examine a witness by name Mr.G.Nagarajan, does not arise. The trial Court has given sound reasons for dismissing the petitioners' application. Therefore, this Court is not interfering with the impugned order passed by the trial Court. Accordingly, this Civil Revision Petition is dismissed. No Costs. CMP.No.16957 of 2026 is closed.

20-07-2026

Neutral Citation: Yes/No
RKM

To
District Munsif Court,
Ponneri.



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ABDUL QUDDHOSE, J.

RKM

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