



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

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CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP Nos. 3894 & 3898 of 2026 and CMP No. 17066 of 2026

1. Manikandan
2. Sivasankari
3. Mahalakshmi

Petitioner(s)

Vs

1. Manivannan
2. Unnamalai
3. Elumalai
4. Senthilkumar
5. Radhika
6. Naveenkumar

Respondent(s)

CRP No. 3894 of 2026

PRAYER

To set aside the fair and decretal order dt. 11.06.2026 made in I.A.No. 10 of 2026 in O.S. No. 7 of 2018 on the file of the I Additional District Judge, Tindivanam.

CRP No. 3898 of 2026

PRAYER

To set aside the fair and decretal order dt. 11.06.2026 made in I.A.No. 11 of 2026 in O.S. No. 7 of 2018 on the file of the I Additional District Judge, Tindivanam.



For Petitioner(s): Mr.S. Sathyaraj

COMMON ORDER

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These Civil Revision Petitions have been filed, challenging the impugned order dated 11.06.2026 passed by the I Additional District Judge, Tindivanam in I.A. Nos.10 & 11 of 2026 in O.S. No.7 of 2018.

2.Under the aforesaid common order, the applications filed by the petitioners/defendants seeking to recall PW1 to 4 for cross examination and to reopen the evidence of the plaintiffs' side have been dismissed. In the impugned order, the Trial Court has dismissed the applications filed by the petitioners/defendants by giving the following reasons:

a)PW1 was examined as witness on 10.07.2019 and the fourth defendant has cross examined PW1 on 28.08.2019;

b)Thereafter, the additional proof affidavit was filed by PW1 on 04.02.2025 and he was cross examined by the defendants on 13.02.2025;

c)PW2 was examined and subsequently he did not appear for cross examination and his evidence was eschewed on 04.10.2019;

d)PW3 was examined on 25.11.2019 and cross examined on 02.12.2019 by the fourth defendant;

e)PW4 was examined on 25.04.2026. The petitioners/defendants 1 to 3 were not cross examined any of the aforesaid witnesses of the plaintiffs in the earlier stages;



f)The petitioners/defendants 1 to 3 were set exparte and the exparte order was set aside by the court on 06.06.2019;

g)The fourth defendant was examined as DW1 on 09.12.2019. On 29.01.2020, the evidence of both sides was closed and the suit was posted for arguments;

h)In the year 2022, the fourth defendant died and his legal representatives were impleaded. Subsequently, additional issues were framed and due to impleadment of additional parties, additional proof affidavit was filed by PW1 on 04.02.2025. Thereafter also an opportunity was given to the petitioners/defendants 1 to 3 for cross examination of PW1. After filing additional proof affidavit, PW1 was cross examined on 13.02.2025 by the counsel for the petitioners/defendants 1 to 3. Hence, sufficient opportunity was given to the petitioners to cross examine the witnesses of the plaintiffs;

i)The objections have been filed to recall PW1 to 4 for cross examination and reopen the evidence of the plaintiffs' side on the ground that the first petitioner's wife gave birth to a child and he looked after his wife and child and his mother was suffering from illness;

j)No medical records were filed by the petitioners/defendants 1 to 3 to substantiate the illness of the first petitioner's mother and the first petitioner's wife giving birth to a child;

k)As early as in the year 2020 itself, the evidence of both sides was closed and the case was posted for arguments and the case is pending for



judgment. After a long delay when the case is posted for judgment, the petitioners/defendants 1 to 3 have filed I.A. Nos.10 & 11 of 2026 seeking to recall PW1 to 4 and reopen the plaintiffs' side evidence.

3.The trial Court had also taken into consideration the judgment of the Hon'ble Supreme Court in the case of Ram Rati vs. Mange Ram (dead) reported in (2016) 11 SCC 296 for coming to the conclusion that after closing evidence and when the case is posted for arguments, the parties cannot be permitted to recall any witness for elaboration of evidence or to fill up any lacuna.

4.This Court does not find any infirmity in the reasons given by the Trial Court for dismissing the petitioners'/defendants' applications. Even though the learned counsel for the petitioners vehemently contended that being a suit for declaration of title and for partition, the rights of the petitioners/defendants to contest the suit on merits by letting in proper evidence should not be defeated, this Court is not inclined to accept the said contention since sufficient opportunities have already been given to the petitioners/defendants as seen from the impugned order for letting in oral evidence and for cross examination of the plaintiffs' witnesses. As the suit is of the year 2018 and when the suit is posted for pronouncement of judgment, the question of entertaining these Civil Revision Petitions, aggrieved by the dismissal of the petitioners/defendants applications seeking to recall PW1 to 4 for cross examination and to reopen the



evidence of plaintiffs' side, does not arise as it will only further delay the disposal of the suit. Since there is no merit in these civil revision petitions, the same are dismissed. No costs. Consequently, connected CMP is closed.

17-07-2026

vga

To

The I Additional District Judge, Tindivanam



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CRP No. 3898 of 2026



ABDUL QUDDHOSE J.

vga

**CRP Nos.3894 & 3898 of 2026
& CMP No. 17066 of 2026**

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