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CRP No. 3965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3965 of 2026

1. V. Chandrasekaran

2. Selvan

..Petitioner(s)

Vs

Thirumurugan

..Respondent(s)

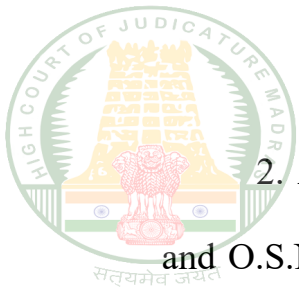
This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the fair and decretal order dt. 04.06.2026 made in IA No. 3 of 2026 in OS No. 724 of 2023 on the file of the District Munsif cum Judicial Magistrate, Pallavaram.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Ms.A.Sumathy

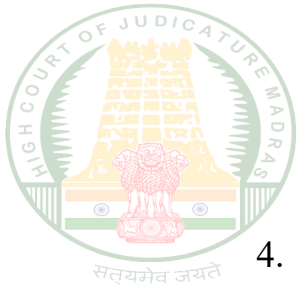
ORDER

This Civil Revision Petition (CRP) has been filed challenging the impugned order passed by the District Munsif-cum-Judicial Magistrate, Pallavaram, in I.A.No.3 of 2026 in O.S.No.724 of 2023, dated 04.06.2026. In the aforesaid order, the application filed by the petitioners, who are the defendants in the suit, seeking to reopen the case for the defendants' side further evidence, has been dismissed.



2. A joint trial was conducted by the trial Court in O.S.No.724 of 2023 and O.S.No.614 of 2023. The petitioners are the defendants in O.S.No.724 of 2023 and they are the plaintiffs in OS.No.614 of 2023. The suit in O.S.No.724 of 2023 was filed in respect of a disputed passage. The said suit was filed in the year 2010. It was originally numbered as O.S.No.166 of 2010 on the file of the District Munsif Court, Alandur, and thereafter, it was transferred to the file of District Munsif-cum-Judicial Magistrate, Pallavaram, and renumbered as O.S.No.724 of 2023.

3. Admittedly, the application in I.A.No.3 of 2026 was filed by the petitioners/defendants only in the arguments stage in the suit. As seen from the impugned order, the petitioners/defendants' side evidence was closed on 03.01.2026. The petitioners/defendants also sought adjournments for their arguments on 27.01.2026, 02.02.2026 and 12.02.2026. After obtaining three adjournments, they have filed I.A.No.3 of 2026 seeking to reopen the case for defendants' side further evidence on 16.02.2026. In the affidavit filed in support of the said IA, the reason given for the delay in filing the said IA was that the second petitioner who is the son of the first petitioner was finding it difficult to attend the court proceedings due to his work commitments. However, the trial Court refused to accept the said reason for the delay in filing the aforesaid IA seeking to reopen the case for the defendants' side further evidence.



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4. The petitioners in the said application have stated that they need to examine one Mr.S.Baradhan Samaiyavaram (Ex-Councillor) to prove their case in the suits in O.S.Nos.724 and 614 of 2023. As a prudent litigant, the petitioners/defendants ought to have been vigilant in examining proper witnesses at the proper time. Having failed to examine the said witness, when they were granted an opportunity to examine their witnesses, the question of permitting them to reopen the case for their side further evidence, that too, when the trial Court had granted three adjournments to them to argue their case as stated supra, the question of interfering with the impugned order dismissing the petitioners' application by this court through this CRP does not arise.

5. The suit is of the year 2010. It is also to be noted that no appellate proceedings or any revision petition was filed by any of the parties during the pendency of the suit. But, despite the same, the suit has been prolonged for more than 15 years in a single court. Therefore, this Court cannot interfere with the impugned order, as the trial Court has rightly dismissed the application filed by the petitioners.

6. The decision relied upon by the learned counsel for the petitioners in the case of *K.K.Velusamy Vs. N.Palanisamy [2011 (11) SCC 275]* has no bearing for the facts of the instant case. In the said decision, while dealing with

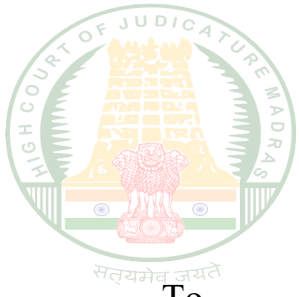


an application seeking to reopen the case for the purpose of adducing further evidence, the Hon'ble Supreme Court held that if there is abuse of the process of the court, or if interest of justice require the court to do something or take note of something, the discretion to do those things does not disappear merely because the arguments are heard, either fully or partly. In the case on hand, the petitioners/defendants' case does not fall under the abuse of the process of the court, and the interest of justice also does not enable them to reopen their evidence for the purpose of adducing further evidence, since the suit is of the year 2010 and sufficient opportunities have already been granted by the trial Court as indicated supra to enable them to examine their respective witnesses. But, having failed to make use of the said opportunities, the question of entertaining the aforesaid IA during the arguments stage for the purpose of adducing further evidence does not arise.

7. For the foregoing reasons, this court does not find any merit in this Civil Revision Petition, and accordingly, this Civil Revision Petition is dismissed. No Costs. CMP.No.17366 of 2026 is closed.

21-07-2026

Neutral Citation: Yes/No
RKM



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To
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District Munsif-cum-Judicial Magistrate,
Pallavaram.



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ABDUL QUDDHOSE, J.

RKM

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