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CRP No. 3835 & 3988 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 3835 & 3988 of 2022

and

CMP No. 20174 of 2022 & CMP No. 20750 of 2022

M.Thiyagarajan

Petitioner(s)
in both CRPs

Vs

1. M.Murugesan

2.M.Suresh Babu

3.M.Saravanan

Respondent(s)
in both CRPs

COMMON PRAYER Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the common and decreetal order passed in IA Nos.1 & 2 of 2022 in OS No.114 of 2017 dated 11.10.2022 by the I Additional District and Sessions Judge, Vellore.

For Petitioner(s): Mr.M.Mathanraj
In both CRPs

For Respondent(s): Mr.D.Rajagopal for R1
In both CRPs No Appearance for R2 & R3



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ORDER

These Civil Revision Petitions have been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.10.2022 passed in IA Nos.1 & 2 of 2022 in OS No.114 of 2017 by the I Additional District and Sessions Judge, Vellore, wherein the applications filed by the respondents/plaintiffs to reopen and recall PW1 for further evidence were allowed by the Court below.

2.Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The respondents are the plaintiffs who filed a suit in O.S.No.114 of 2017 seeking the relief of partition and for allotment of 1/3rd share for the 1st and 2nd plaintiffs and 1/6th share for the 3rd plaintiff. The pleadings were completed, the issues were framed, the trial went on and on completion of trial, the case was at the stage of final arguments and at that stage, applications came to be filed under Order XVIII Order 17 of C.P.C., to reopen and recall PW1 to mark the two Sale Deeds dated 25.11.2009 and 17.04.2002. The Court below allowed these applications by order dated 11.10.2022 and aggrieved by the



same, the defendant has filed the present Civil Revision Petition before this Court.

4. On carefully going through the affidavit that was filed by the respondents in I.A.Nos.1 and 2 of 2022, it is seen that there is not even a whisper as to why the respondents did not file and mark these two documents at the earliest point of time. In the affidavit, it has been merely stated that these two documents will have to be marked and therefore the plaintiffs must be given an opportunity to reopen and recall PW1 for the purpose of marking these two documents.

5. The Court below has allowed the applications as a matter of course. The Court below did not even take into consideration the fact that the suit was at the stage of final arguments and that, at that stage, the applications were filed to produce certain documents which were available even before the filing of the suit. The Court below did not take into consideration the fact that there was absolutely no explanation on the side of the plaintiffs as to why they did not file these documents and mark the same at the earliest point of time or at least at the time of giving evidence. In the absence of any such explanation forthcoming from the plaintiffs, such applications for reopening and recalling witnesses cannot be allowed and it will unnecessarily drag on the proceedings.



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6.The order passed by the Court below allowing the applications certainly suffers from perversity warranting interference of this Court. Accordingly, the order dated 11.10.2022 passed in IA Nos.1 & 2 of 2022 in OS No.114 of 2017 by the I Additional District and Sessions Judge, Vellore, is hereby set aside.

7.In the result, both the Civil Revision Petitions stands allowed. There shall be a direction to the Court below to complete the proceedings in OS No.114 of 2017, on the file of the I Additional District and Sessions Judge, Vellore, within a period of three months from the date of receipt of copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

13-08-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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The I Additional District and Sessions Judge, Vellore.



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N.ANAND VENKATESH J.

SSR

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