



CRP.Nos.320, 321, 322 & 323 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.Nos.320, 321, 322 & 323 of 2025

and

CMP.No.2057 of 2025

K.Srinivasan (died)

1.K.Perumal

2.Jayashree

3.Sathish

4.Manimegalai

...Petitioners/Plaintiffs
in all CRPs'

Vs.

A.Rolf Randolph Roops

...Respondent/Defendant
in all CRPs'

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, to allow the Civil Revision Petitions setting aside the fair and decreetal order of the learned Principal Subordinate Judge, Vellore, dated 19.11.2024 in I.A.Nos.1, 2, 3 & 4 of 2024 in O.S.No.9 of 2015 and to dismiss the said I.A.



WEB COPY



CRP.Nos.320, 321, 322 & 323 of 2025

CRP.Nos.320, 321, 322 & 323 of 2025

For Petitioners : Mr.S.Balaganesh
for Mr.T.M.Hariharan

For Respondent : Mr.A.Gouthaman

COMMON ORDER

The present Civil Revision Petitions are directed against the common orders of the learned Principal Subordinate Judge, Vellore-I, dated 19.11.2024 in I.A.Nos.1, 2, 3 and 4 of 2024 in O.S.No.9 of 2015, whereby the Trial Court allowed the following applications:

1. to recall the defendant for further cross-examination,
2. to recall the plaintiffs's side evidence for further cross-examination of PW1.
3. to reopen the defendant side evidence on the side of the petitioner/defendant.
4. to grant permission to file the petition mentioned documents

All these applications were allowed on payment of costs.

Aggrieved by the same, the plaintiffs have filed the present revisions.

2. Heard Mr.S.Balaganesh and Mr.A.Gouthaman, learned



CRP.Nos.320, 321, 322 & 323 of 2025

counsel appearing for the respective parties.

WEB COPY

3. Learned counsel for the plaintiffs contended that a preliminary objection was raised regarding the maintainability of the applications filed by the son of the defendant, who is admittedly not a party to the suit. He was only permitted to adduce evidence on behalf of his mother, the defendant.

4. It was further submitted that a specific objection was taken in the counter affidavit, namely that the applications filed by the witness DW1, being the son of the defendant, could not be maintained, since a witness is not entitled to file any application in the suit, much less four applications of this nature.

5. Learned counsel would also invite my attention to the impugned orders, wherein the said objection of the revision petitioners was neither discussed nor objectively dealt with.

6. Per contra, learned counsel for the defendant relied on the



CRP.Nos.320, 321, 322 & 323 of 2025

WEB COPY

order passed in I.A.No.3 of 2024 in O.S.No.9 of 2015, wherein the defendant sought permission to have her son examined as a witness on her behalf. Despite the objections of the plaintiffs, the said application was allowed on 19.11.2024. However, on a perusal of the said order, it is evident that the Court only permitted the son of the defendant to adduce evidence on behalf of the defendant. This liberty cannot not be extended to permit the witness himself to file applications, which can only be taken out by the party to the suit, namely the defendant in the present case.

7. Unfortunately, despite the specific objections raised by the plaintiffs in their counter affidavits, and though the Trial Court acknowledged the same, it proceeded to allow all the applications, without addressing the core issue.

8. In the light of the above, this Court finds that the permission granted to the defendant's son to depose as a witness did not entitle him to file applications before the Trial Court. Accordingly, the orders passed by the learned Principal Subordinate Judge, Vellore, dated 19.11.2024 in I.A.Nos.1, 2, 3 and 4 of 2024 in O.S.No.9 of 2015 are set aside.



CRP.Nos.320, 321, 322 & 323 of 2025

WEB COPY

9. In fine, these Civil Revision Petitions are allowed. No costs.

Consequently, the connected civil miscellaneous petition is closed.

21.08.2025

cda

Index : Yes / No

Speaking order : Yes / No

To

The Principal Subordinate Judge, Vellore.

P.B. BALAJI, J.

cda



WEB COPY



CRP.Nos.320, 321, 322 & 323 of 2025

CRP.Nos.320, 321, 322 & 323 of 2025
and
CMP.No.2057 of 2025

21.08.2025