



WEB COPY



C.R.P.(PD).Nos. 457 & 458 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).Nos. 457 & 458 of 2025

&

C.M.P.Nos. 2743 & 2747 of 2025

1.Tmt. K. Manjula

2.Tmt.T.K.Maheshwari

...Petitioners in both petitions

Vs.

1.Tmt. S.Kalpana Devi

2.K.Sangameswaran

3.B.Sugumari

4.A.Sridevi

5.N.Kumuthavalli

6.T.Sathiyavani

7.Uthradevi

8.Kavitha Rani



C.R.P.(PD).Nos. 457 & 458 of 2022

Jayalakshmi (died)

9.Kalarani

10.S.A.Syed Jahanheer

11.S.A.Shed Asalam

12.S.A.Syed Soopiya (Exonerated) Fully aged

13.S.A.Syed Adam

14.S.A.Syed Nasar

15.S.A.Syed Ameer Hamsa

16.P.Damodharan

17.P.Rangasamy

18.M/s Premier Investment corporation

Rep.by P.K.Perriyasamy

S/o.Palanikuppusamy,

No.144, Premier Plaza, Premier Investment Corporation,

Kumaran Road,

Tirupur.

19.T.C.Loganathan

20.P.Viswanathan

21.O.Sabia Saitha

22.R.Kannan



C.R.P.(PD).Nos. 457 & 458 of 2023

23.T.Sathamani

24.P.K.Periya Samy

Chidambaram (Died)

25.G.Kaleel Rahman

K.Muthusamy Gounder (Died)

K.S.Ramasamy (Died)

26.P.K.Murugesan

27.M.Velusamy

28.M.Rizwana Sulthana

29.Syed Baizoor Rahman ...Respondents in both petitions

Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the orders passed in I.A.Nos.16 & 17 of 2024 in OS.No.347 of 2007 on the file of the Additional Sub Court, Tiruppur on 18.11.2024.

For Petitioners : Mr. V.Ramamurthy



WEB COPY

C.R.P.(PD).Nos. 457 & 458 of 2023



ORDER

Challenging the dismissal of their applications seeking to reopen and recall evidence of PW1, the defendants 31 and 32 have preferred these civil revision petitions. The short facts are as follows.

2. The 1st respondent had filed a suit O.S.No.347 of 2007 on the file of the Additional Sub Court, Tirupur, seeking a partition of her 1/12th share in the suit schedule properties. In the above suit, the plaintiff had examined herself as P.W.1 and she was cross examined by defendants 20 to 23 on 01.03.2024. Thereafter, the plaintiff side evidence was closed on 02.04.2024. DW.1 was examined in chief on 18.07.2024 and by 27.09.2024 the cross examination of DW.1 was concluded. Further, the witness on the side of defendants 20 to 23 was closed on 29.10.2024 and the matter was adjourned to 05.11.2024 for the evidence of defendants 31 and 32.



C.R.P.(PD).Nos. 457 & 458 of 2023

WEB COPY

3. At this stage, the defendants 31 and 32 have come forward with I.A.Nos.16 and 17 of 2024 to recall and reopen PW1's evidence. These applications were dismissed, as against which the present revisions have been filed.

4. Heard the learned counsel for the petitioners.

5. From the counter of the plaintiff in the impugned applications, it is seen that the petitioners herein had made an endorsement that they do not propose to cross examine the plaintiff. The endorsement made was as follows:

“31 மற்றும் 32 பிரதிவாதிகள் தரப்பில் குறக்கு விசாரணை இல்லை.”

6. This endorsement was recorded and the evidence of P.W.1 was closed on 02.04.2024.



WEB COPY

7. Further, in the affidavit filed in support of the said applications no reason whatsoever has been given as to why the examination of plaintiff at this stage was required and though reference was made to some documents there is no description about the documents that had been proposed to be produced. The applications are moved when the matter is posted for evidence of defendants 31 and 32. The petitioners herein who have waived their right of cross examination cannot now turnaround and seek to recall and reopen P.W.1's evidence.

8. The order of the learned Trial Judge cannot be find fault with. Accordingly, the civil revision petitions are dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

12.02.2025

Index : Yes/No
Internet : Yes/No

kan



C.R.P.(PD).Nos. 457 & 458 of 2023

WEB COPY

To

The Additional Sub Court,
Tiruppur.



WEB COPY



C.R.P.(PD).Nos. 457 & 458 of 2025

P.T. ASHA, J,

kan

C.R.P.(PD).Nos. 457 & 458 of 2025

12.02.2025