



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04-12-2025

CORAM
THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 2419 of 2024 & CRP NO. 2421 OF 2024
AND
CMP NO. 12667 OF 2024

V.Kaviraj
S/o. R. Velayudam,
No.5/44, Karuppusamy Mudhaliar St,
Vadavalli, Coimbatore.

..Petitioner(s)
in both C.R.P.s

Vs

A.Sulochana (died)

1. A. Kannan
S/o. Late. M. Arumugam,
Res. at No.62/44, Karuppusamy Mudhaliar St,
Vadavalli, Coimbatore.
2. A. Prabhu
S/o. Late. M. Arumugam,
Res. at No.62/44, Karuppusamy Mudhaliar St,
Vadavalli, Coimbatore.

..Respondent(s)
in both C.R.P.s

CRP No. 2419 of 2024

To set aside the fair and decreetal order dated 12.02.2024 made in
IA No.6/2024 in OS.No.2133/2009 on the file of the II Additional District
Munsif Coimbatore, and allow the above CRP.

CMP No. 12667 of 2024

To stay all further proceedings in OS No.2133 of 2009 on the file
of the II Additional District Munsif, Coimbatore.

**CRP No. 2421 of 2024**

To set aside the fair and decreetal order dated 12.02.2024 made in IA No.7/2024 in OS.No.2133/2009 on the file of the II Additional District Munsif Coimbatore, and allow the above CRP.

In both CRPs

For Petitioner(s): Ms.R. Divya Preathika

For Respondent(s): Mr. K. Govi Ganesan for R1 and R2

Order

These Civil Revision Petitions have been filed challenging the orders dated 12.02.2024 passed by the Addl. District Munsif, Coimbatore in I.A.Nos. 7 and 6 of 2024 in O.S.No.2133 of 2008 dismissing the applications filed by the petitioner seeking to reopen and recall P.W.1.

2. The petitioner herein has filed a suit for mandatory injunction directing the respondents to remove the encroachment made in the suit property, which was shown as “C D E F” in the plan and for permanent injunction restraining the respondents from interfering with the petitioner’s peaceful possession and enjoyment over the suit property.

3. In the suit, recording of evidence is already over and the same is posted for arguments. At that stage, the impugned applications have been filed by the petitioner/plaintiff seeking to reopen and recall P.W.1 for the purpose of marking the revenue documents. The said applications were filed by the petitioner/plaintiff on the ground that if the revenue documents marked by him,



it will be helpful for him to prove his possession. The trial court dismissed the applications. Aggrieved that, these Civil Revision Petitions have been filed.

WEB COPY

4. The learned counsel for petitioner would submit that having regard to prayer sought in the impugned applications, the petitioner should be given opportunity to produce the revenue document to prove his possession over the suit property.

5. The learned counsel for respondents would submit that the petitioner/plaintiff had only produced the joint patta and the production of the same will not serve any purpose to prove his possession over the suit property. Therefore, the document is not useful to prove his possession.

6. The suit has been filed seeking permanent injunction. Having regard to the relief sought in the suit, the instant applications to recall P.W.1 for filing revenue documents will be helpful for the petitioner to prove his alleged possession over the suit property. The revenue document is material one to prove fact of possession. Whether the revenue document produced is helpful to prove his possession or not is a matter for consideration at the time of arguments. At this stage, without going into the merits of the case, taking into consideration the nature of prayer sought by the petitioner in the suit and the nature of document to be marked by recalling P.W.1, this Court is inclined to set aside the impugned orders passed by the trial court. However, the instant applications were filed by the petitioner/plaintiff when the suit was posted for arguments. Considering the said fact, this Court is inclined to impose a cost of



Rs.5000/- as precondition for allowing these Civil Revision Petitions and accordingly, both the Civil Revision Petitions are allowed. The petitioner is directed to pay a cost of Rs.5000/- (Rupees five thousand only) to the credit of O.S.No.2133 of 2009 on the file of II Addl. District Munsif, Coimbatore within a period of two weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the cost within the stipulated time, these Civil Revision Petitions shall stand automatically dismissed. The petitioner is at liberty to recall P.W.1 on the next date of hearing on 11.12.2025. The examination in chief of P.W.1 after recalling shall be completed on the very same day. Both parties are directed to cooperate for completion of examination of P.W.1 (cross, re-examination, if any) within a period of one week from the date of recalling i.e. on 11.12.2025. Taking into consideration the suit is of the year 2009 and it has already reached the argument stage, the trial court is directed to dispose the suit as expeditiously as possible. The respondent is at liberty to withdraw the cost amount deposited by the petitioner by making formal application before the trial court. Consequently, the connected Civil Miscellaneous Petition is closed.

04-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RPP
To
II Addl. District Munsif, Coimbatore.

Issue order copy on 09.12.2025.



WEB COPY

CRP Nos. 2419 & 2421 of 2



S.SOUNTHAR J.

RPP

**CRP Nos. 2419 & 2421 of 2024
AND
CMP NO. 12667 OF 2024**

04-12-2025