



CRP(PD).Nos.2772 and 2773 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M.JOTHIRAMAN

CRP(PD).Nos.2772 and 2773 of 2025

CMP.Nos.15690 and 15693 of 2025

R.Gopalan

... Petitioner in both CRPs.

vs.

1.The District Collector,
Vellore District,
Vellore – 632 009.

2.The Revenue Divisional Officer,
Ranipet – 632 401,
Vellore District.

3.Tahsildar,
Walajah Taluk,
Walajah-632 515.

4.Village Administrative Officer,
Anandalai Village,
Walajah-632 513.

5.The Sub-Registrar,
Walajah-632 513,
Vellore District.



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PKMunusamy (deceased)

6. P.K.Lakshmanan,

7. Chinamma

8.M.Balaji

9.M.Hemalatha

... Respondents

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the common fair and decreetal order passed in I.A.Nos.1 & 2 of 2025 in O.S.No.38 of 2018 dated 21.04.2025 on the file of the District Munsif cum Judicial Magistrate No.1, Walajapet.

In both CRPs.

For Petitioner : M/s.S.T.Bharath Gowtham

For Respondents : Mr.R.Kumaravel,
Additional Government Pleader for R1 to R5

Mr.S.Gunaseelan for R6 to R9.

COMMON ORDER

Unsuccessful plaintiff has preferred these Civil Revision Petitions. The Suit in O.S.No.38 of 2018 was filed for Declaration, declaring that the Release Deed executed by P.K.Munusamy / 6th defendant in favour of K.Lakshmanan / 7th defendant dated 04.12.2014 as null and void and to declare that the release deed



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executed by the 7th defendant in favour of the 6th defendant dated 04.12.2014 as null and void.

2. The defendants filed their written statement and after framing necessary issues, the trial has been commenced. After completion of evidence on the side of the defendants, the 9th defendant, namely M.Balaji examined himself as DW1 on 10.01.2025 and Exs.B1 to B12 were marked and the case was posted for cross examination of DW1 on 28.01.2025. DW1 was partly cross examined by the plaintiff on 28.01.2025. Thereafter, the defendants' side evidence was closed. Subsequently, the plaintiff has filed applications in I.A.Nos.1 and 2 of 2025 in O.S.No.38/2018 to reopen and recall DW1. Upon considering the arguments advanced on either side, the Court below dismissed both the applications, vide order dated 21.04.2025 on the ground that sufficient opportunity was given to the plaintiff and finally DW1 was cross examined by the plaintiff on 28.01.2025. Since the defendants 1 to 5 were already set exparte and the 6th defendant died, defendants 7, 8 and 10 are not examined in chief before the Court below. The Court below further observed that the plaintiff cannot compel the defendants 1 to



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10 for cross examination and also cannot compel other defendants to get into the witness box for cross examination on the side of the plaintiff and therefore, reopening the case and recalling all the defendants, who were not examined as witnesses, is not at all maintainable. Aggrieved over the same, the plaintiff has filed the present Civil Revision Petitions.

3. The learned counsel appearing for the petitioner / plaintiff would submit that the petitioner is a senior citizen and due to his old age, suitable instructions were not received and DW1 was not cross examined fully in order to establish the case of the plaintiff and opportunity may be provided to the plaintiff to cross examine DW1.

4. *Per contra*, learned counsel appearing for the respondents / defendants would submit after cross examination of DW1 by the plaintiff side on 28.01.2025, the defendants' side evidence was closed and the case was posted for arguments and at this stage, the defendants, with an intention to drag on the case, filed an application to reopen and recall for cross examination of all the defendants 1 to



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10 and the plaintiff cannot compel the defendants 1 to 10 for cross examination and the same is not maintainable in law.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. It is seen from the records that there are totally 10 defendants in the suit. The defendants 1 to 5 are Government officials and were set exparte on various dates. The defendants 7 to 9 are contesting the suit, in which only the 9th defendant named M.Balaji has chosen to examine himself as DW1 and Exs.B1 to B12 were marked on 10.01.2025. Thereafter, the case was posted for cross examination of DW1 on 28.01.2025. On that day, on the side of the plaintiff, the plaintiff has chosen to cross examine DW1 in part.

7. In order to test the real controversy between the parties, it is just and necessary to give fair opportunity to the plaintiff to establish his case. Without providing opportunity to the revision petitioner / plaintiff, dismissing the



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applications is legally unsustainable and therefore, the impugned order of the Court below is liable to be set aside.

8. In the result, these Civil Revision Petitions are allowed and the order dated 21.04.2025 in I.A.Nos.1 and 2 of 2025 in O.S.No.38 of 2018 on the file of the District Munsif cum Judicial Magistrate No.1, Walajapet, is set aside. The revision petitioner / plaintiff is permitted to cross examine DW1 on his appearance and also permitted to pay necessary batta to recall DW1 for further cross examination. It is also made clear that since the Suit is of the year 2018, the Court below shall expedite the trial in O.S.No.38/2018. No costs. Consequently, connected miscellaneous petitions are closed.

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Intex : Yes/No

Internet : Yes/No

Jvm

To

The District Munsif cum Judicial Magistrate No.1,
Walajapet,



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M.JOTHIRAMAN, J.

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