



C.R.P.No.4190 of 2025
and C.M.P.No.21519 of 2025

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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4190 of 2025
and C.M.P.No.21519 of 2025

Suresh

... Petitioner

Vs.

Venkadesan

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to stay of all further proceedings in O.S.No.642/2022 on the file of the Sub Court, Polur, Tiruvannamalai District pending disposal of the civil revision petition.

For Petitioner : Ms.D.Gajalakshmi
for Ms.Reshmi Christy

ORDER

This Civil Revision Petition has been filed challenging the order dated 11.03.2025 passed in I.A.No. 1 of 2025 in O.S.No.642 of



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2022 on the file of the Sub Court, Polur, Tiruvannamalai District.

2. The plaintiff / Venkadesan has filed the suit in O.S.No.642/2022 for recovery of money for the suit amount of Rs.9,61,330/- with subsequent interest at the rate of 18% per annum. On the side of the defendant, revision petitioner has chosen to file the written statement. In the written statement, it has been stated that the suit promissory note is a forged one.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner / defendant has taken a stand that the suit promissory note is a forged one and in the circumstances, the witnesses, on behalf of the plaintiff, ought to be examined in one day. Then only all the witnesses will know the probable cross examination questions and the defendant might not be able to prove his defense. Therefore, the revision petitioner wants to cross examination of all the respondent side witnesses on one and same day. The revision petitioner / defendant has filed an application under Section 151 of Civil Procedure



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Code read with Section 135 of Indian Evidence Act seeking the relief of examination of all the plaintiff side witnesses on one and the same day. The Court below, upon considering the arguments on either side, dismissed the application stating the reason that the defendant cannot legally ask cross examination of all the witnesses of the plaintiff side in one and same date, even though the prayer in the petition is plausible and reasonable. Aggrieved over the same, the present Civil Revision Petition has been instituted.

4. It is well settled law that initial burden of proof lies on the plaintiff to prove to discharge his case. Thereafter, the onus shifts on the defendant to rebut the evidence of the plaintiff side.

5. It is relevant to extract Sections 135, 137 and 138 of the Indian Evidence Act, 1872 which reads as under :

"135. Order of production and examination of witnesses

The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating



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137. Examination-in-chief

The examination of a witness by the party who calls him shall be called his examination-in-chief. Cross-examination - The examination of a witness by the adverse party shall be called his cross-examination. Re-examination. - The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

138. Order of examinations

Witnesses shall be first examined-in-chief then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined. The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief. Direction of re-examination. - The re-examination shall be directed to the explanation of the matters referred to in cross-examination; and, if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter."

6. Section 135 of the Indian Evidence Act, 1872 speaks about the order in which the witnesses are produced and examined shall be regulated by the law and practice for the time being relating to civil and



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7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

M.JOTHIRAMAN, J.



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