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CRP No.6028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6028 of 2025 and
CMP No.29787 of 2025**

1. Thamarai Trust
Rep by Managing Trustee M.
Kanagaraj, No.281, 3rd Street, Jai
Nagar, Kangayam Road, Tiruppur.

Petitioner(s)

Vs

1. Mukundan .S Chettiappa (Died) 1.
Ponmani Devi Srinivasan
W/o. Late. LMC Srinivasan, No.39,
Tashil Srinivasapuram, Tiruppur,
Tiruppur Dt.

2.V. Mohan Kumar
S/o. Venkidusamy, No.12/21A,
Thayampalayam, Perumalpalayam
Panjayath, Mudalipalayam Village,
Kangayam Taluk, Tiruppur Dt.

3.Vanjanayaki S Chettiappa
W/o. Mukundhan S Chettiappa, No.39,
Tashil Srinivasapuram, Tiruppur,
Tiruppur Dt 641 601

4.Minor. Kamalam Srinivasan
Chettiappa
D/o. Late. Mukundhan S Chettiappa,
No.39, Tashil Srinivasapuram,
Tiruppur, Tiruppur Dt 641 601.



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5.V. Muthappa Chettiar Sons Charities
Rep by its Managing Trustee, V.P.M.
Manickam, having office at V.
Muthappa Chettiar Dharma
Vidyalayam, Thayampalayam,
Kangayam Taluk, Tiruppur Dt 638 703.

6.VPM Manickam
S/o. Late. V.M.P. Muthusamy, D.No.30,
Vyasar St, T. Nagar, Chennai 017.

7.V. Ravikumar
S/o. Late. V.M.P. Veeramuthu, SF2,
Ramprasad Paradise Apartments, Blue
Mount Enclave, Vattamalai Palayam
Road, Near Ramakrishna Engineering
Colllege, Coimbatore 641 022.

8.T.M. Vikram
S/o. V.P.M. Manickam, D.No.30,
Vyasar St, T.Nagar, Chennai 017.

9.R. Rajesh
S/o. V. Ravikumar, SF2, Ramprasad
Paradise Apartments, Blue Mount
Enclave, Vattamali Palayam Road, Near
Ramakrishna Engineering College,
Coimbatore 641 022.

10.R. Ranjith
S/o. V. Ravikumar, SF2, Ramprasad
Paradise Apartm ents, Blue Mount
Enclave, Vattamalai Palayam Road,
Near Ramakrishna Engineering
College, Coimbatore 641 022.

11.G. Vanjinath
S/o. Late. V.P.M. Govinda Dass,
D.No.A022, Pricol Crimson Dawn,
SNR College Road, Near Navas India
Signal, Coimbatore 641 018.

Respondent(s)



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 16.07.2025 made in IA No.21 of 2025 in OS No.70 of 2014 pending on the file of the Principal District Judge, Tiruppur District.

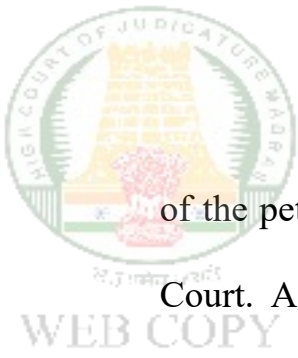
For Petitioner(s): Mr. P.R.Balasubramanian

ORDER

This civil revision petition is filed, challenging the order passed by the Trial Court, dismissing the application filed by the petitioner/8th defendant, seeking issuance of summons to the 2nd plaintiff as a witness in the suit.

2. The respondents 1 to 4 herein filed a suit seeking to remove the defendants 2 to 6 from the office of the trustees of the 1st defendant trust and for various reliefs. As far as the 8th defendant is concerned, the plaintiffs sought for declaration, declaring that the sale deed dated 23.12.2011 executed by the defendants 2 to 6 in favour of the 8th defendant as null and void and not binding upon the 1st defendant Trust.

3. In the suit, already trial commenced and evidence of the parties were recorded. After recording evidence of the petitioner as DW2, the instant application was filed by him seeking to call the 2nd plaintiff as witness on behalf



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of the petitioner/8th defendant. The said application was dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

4. The learned counsel for the petitioner, by taking this court to Section 92 of Civil Procedure Code, would submit that in cases involving a Trust, atleast two persons, interested in the Trust, shall institute the suit. In the case on hand, the 4th plaintiff was examined as PW1 and the 2nd plaintiff, who is having entire knowledge about the subject matter of the suit was not at all examined as a witness. Therefore, the petitioner filed the instant application seeking to call the 2nd plaintiff as a witness on the side of the 8th defendant.

5. On behalf of the plaintiffs, the 4th plaintiff was already examined as PW1 and he was extensively cross examined by the petitioner/8th defendant. Thereafter, evidence on the side of the defendants was recorded. The petitioner/8th defendant was also examined as DW2. Now, the instant application was filed by the petitioner seeking to call for the opposite party, viz. 2nd plaintiff as his witness. The petitioner is not entitled to compel the opposite party/ 2nd plaintiff to give evidence on his behalf. The Trial Court rightly dismissed the application filed by the petitioner and I do not find any apparent error in the impugned order. If the non examination of the 2nd plaintiff is fatal to the case of the plaintiffs, in the opinion of the petitioner, it is open to him to



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argue the same at the time of final disposal of the suit. However, the petitioner is not entitled to call the opposite party as his own witness.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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Internet: Yes
Index: yes/no
Neutral citation: Yes/No
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To

The Principal District Judge, Tiruppur.



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S. SOUNTHAR, J.

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