



CRP No.3817 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.3817 of 2025 and CMP No.20254 of 2025

1.Devarajan
2.Gomathi
3.Logeswari

... Petitioners

Vs

1.M.Sarasu
2.R.Muthaiyal
3.Pavana
4.V.P.Karupusamy
5.P.Mohanraj
6.Rethinamala

... Respondents

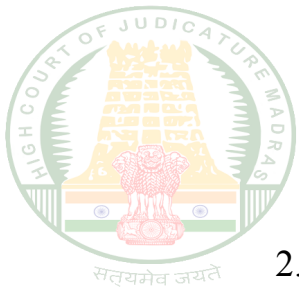
Revision filed under Article 227 of Constitution of India against the order dated 01.07.2025 passed in I.A.No.12 of 2025 in O.S.No.113 of 2019 on the file of learned II Additional District and Sessions Court, Tiruppur.

For Petitioners : Mr.K.Govi Ganesan

For Respondents : Mr.Deepan Uday

ORDER

Heard the learned counsel for the petitioners and the learned counsel for the respondents.



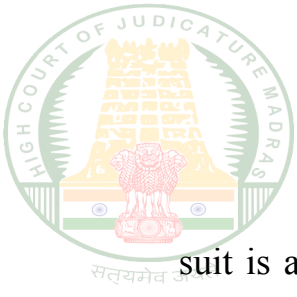
CRP No.3817 of 2025

2. The petitioners, aggrieved by dismissal of I.A.No.12 of 2025 in O.S.No.113 of 2019 on the file of Additional District and Sessions Court, Tiruppur, by order dated 01.07.2025 refusing to recall D.W.2 for further cross examination, have come up with the present revision.

3. I have gone through the order dated 01.07.2025. Admittedly, D.W.2 is one of the attesting witnesses to the Will, which is the subject matter of the dispute before the trial Court. The reasons set out by the petitioners for recalling D.W.2 appear to be justified and no prejudice would be caused to the respondents if D.W.2 is recalled and further cross examination is permitted, especially in the light of the fact that the truth and genuineness of the said Will has to be necessarily adjudicated by the trial Court and for such purpose, the trial Court should be armed with all available material circumstances.

4. In the light of the above, I am inclined to set aside the order of the trial Court passed in I.A.No.12 of 2025 dated 01.07.2025 and permit D.W.2 to be recalled for further cross examination by the defendants' counsel.

5. The trial Court shall expedite the trial considering the fact that the



CRP No.3817 of 2025

suit is at the stage of defendants' evidence. The learned Additional District and Sessions Judge, Tiruppur is directed dispose of O.S.No.113 of 2019 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.08.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To

The Additional District and Sessions Court,
Tiruppur.



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CRP No.3817 of 2025

P.B.BALAJI,,J

SR

CRP No.3817 of 2025

19.08.2025