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C.R.P.No.3681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3681 of 2025

and

C.M.P.No.19752 of 2025

S.K.H.Kader Sultan (Died)

2.Sabeeya Bevi

3.Balkis Begum

4.Jumma Begum

5.Fazal Ahamed

6.Farith Mohamed

7.Abdul Rahman Hameed (Minor)

S/o.Late. S.K.H.Kader Sultan

Rep by his mother and natural guardian, Mrs.Sabeeya Bevi

Petitioners 2 to 7 residing at No.111/53, Thaiyappan St,

Seven Wells, Chennai 1.

... Petitioners

(Sole Petitioner Died. Petitioners 2 to 7 are brought on record as LR's of the deceased Sole petitioner viz., S.K.H.Kader Sultan vide court order dated 20.11.2025 made in CMP.No.22669 of 2025 in CRP.No.3681 of 2025)

VS.



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1.M/s.Emeson Developers,
Rep., by its Authorized Signatory,
Mr.Syed Ahmed,
No.27/12, First Main Road,
Nungambakkam, Chennai-600034.

2.Syed Ahmed

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 22.07.2025 made in I.A.No.08 of 2025 in O.S.No.8228 of 2022 passed by the learned XIX Additional City Civil Court at Chennai.

For Petitioners : Mr.K.Mahalingam

For Respondents : Mr.Thiagarajan
for M/s.P.Giridharan

ORDER

The Civil Revision Petition is filed challenging the order passed by the XIX Additional City Civil Court, Chennai in I.A.No.08 of 2025 in O.S.No.8228 of 2022, dated 22.07.2025, dismissing the application filed by the deceased petitioner/plaintiff seeking to reopen the case for the purpose



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of cross examination of DW.1.

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2. The deceased petitioner/plaintiff filed a suit seeking cancellation of Sale Deed dated 06.08.2020 on the ground that the same was obtained by the defendants by employing force, coercion and undue influence. The deceased petitioner/plaintiff also sought for permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit property. In the said suit, the recording of evidence is over and the same is posted for argument. At this stage, the deceased petitioner has filed the instant application seeking to reopen the case for the purpose of further cross examination of DW.1. The said application was dismissed by the Trial Court. Aggrieved by the same, the deceased petitioner has come before this Court.

3. After filing of the present civil revision petition, the 1st petitioner/plaintiff passed away on 07.08.2025 and his legal representatives were brought on record as petitioners 2 to 7.



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4. The learned counsel appearing for the petitioners would submit that the Court below has not given sufficient opportunity to the deceased petitioner/plaintiff to fully cross examine DW.1. Therefore, in the interest of justice, the opportunity shall be given to the petitioners herein to cross examine the witness.

5. The learned counsel appearing for the respondents vehemently opposed the revision on the ground that the deceased 1st petitioner was given one full day to cross examine DW.1 and hence, the submission made by the learned counsel for the petitioners that the petitioners were not given sufficient opportunity to cross examine DW.1 was not correct.

6. In the affidavit filed in support of the petition to reopen the evidence, it was stated by the deceased petitioner/plaintiff that he cross examined DW.1 on 24.06.2025 and he was unable to complete the cross examination on that day and therefore, to cross examine DW.1 with regard to certain vital aspects, the instant application has been filed seeking to reopen the case for further cross examination. The said application was dismissed by the Trial Court on the ground that already this Court in



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C.R.P.No.2308 of 2022 directed the Trial Court to dispose of the suit on or before 30.06.2025 and the deceased petitioner was given one full day to cross examine DW.1 and therefore, the petition for reopening the evidence for the purpose of further cross examination of DW.1 could not be accepted.

7. The petitioners seek to set aside the Sale Deed on the pleading that coercion and undue influence employed on it by the defendants and therefore, the petitioners herein shall be given sufficient opportunity to cross examine the witness.

8. The learned counsel appearing for the petitioners submits that if this Court is permits the petitioners for further cross examination of DW.1, the petitioners will complete the further cross examination on the day itself. It is stated by the learned counsel appearing for the petitioners and respondents that the next date of hearing before the Trial Court is 01.12.2025.

9. In view of the same, in order to give opportunity to the petitioners, this Court is inclined to set aside the order impugned in this civil revision petition and direct the Trial Court to permit the petitioners to further cross



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examine DW.1 on 01.12.2025. It is made clear that the respondents shall produce the witness for further cross examination on that day and the petitioners side shall complete the cross examination at any event on that day without seeking any adjournment.

10. It is also brought to the notice of this Court earlier in C.R.P.No.2308 of 2022 the Trial Court was directed to dispose of the suit on or before 30.06.2025. In view of the order passed in this revision, the time fixed by this Court is extended and the Trial Court is directed to dispose of the suit on or before 31.01.2026.

11. With the above direction, the Civil Revision Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

20.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

WEB COM The XIX Additional City Civil Court,
Chennai.



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S.SOUNTHAR, J.

dm

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