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C.R.P.No.4173 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.4173 of 2025
and C.M.P.No.21463 of 2025

1.Rajendran
2.Babu
3.Karthick

... Petitioners/Defendants 1 to 3

Versus

Balaraman

... Respondent/Plaintiff

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 09.07.2025 made in I.A.No.2 of 2024 in O.S.No.125 of 2023 by the Subordinate Court, Arani and to allow the defendants to cross the plaintiff by allowing this revision petition.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed to set aside the order dated 09.07.2025 made in I.A.No.2 of 2024 in O.S.No.125 of 2023 by the Subordinate Court, Arani and allow the defendants to cross-examine the plaintiff further.

2. The defendants have preferred this Civil Revision Petition. The suit



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in O.S.No.125 of 2023 has been filed for specific performance or in alternative directing the defendants to return the amount of Rs.20,000/- paid to the defendants as sale consideration together with interest and declaring the settlement deed dated 11.07.2012 alleged to have been executed by the first defendant in favour of the defendant Nos.2 and 3 as null and void and not binding on the plaintiff and for permanent injunction.

3. The defendants have filed a written statement and necessary issues have been framed. On the side of the plaintiff, the plaintiff examined himself as P.W.1 and another witness was examined as P.W.2 and the defendants also cross-examined P.W.1. At that stage, the defendants have filed I.A.No.2 of 2024 in O.S.No.125 of 2023 under Order XVIII Rule 17 of C.P.C to recall P.W.1 for further cross-examination. On hearing both sides, the Court below vide order dated 09.07.2025 dismissed the application on the ground that P.W.1 and P.W.2 have been examined in chief and cross-examination in full was completed and if the defendants are allowed to cross-examine P.W.1 further, it would amount to fill up the lacuna and therefore, declined to allow the application. Aggrieved over the same, the defendants have preferred this Civil Revision Petition.



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4. The learned counsel appearing for the revision petitioner submits that the material aspects were not listed during the cross-examination of P.W.1 and therefore, it is just and necessary to recall P.W.1 for further cross-examination on the side of the defendants. The revision petitioners have no intention to drag on the proceedings in the suit. In order to establish the case of the revision petitioners, an opportunity may be provided to recall P.W.1 for further cross-examination.

5. In spite of notice being served on the respondent and the name of the respondent is also printed in the cause list, he has not chosen to appear either in person nor through counsel before this Court.

6. It is seen from the records that the suit was filed for specific performance and other reliefs. On the side of the plaintiff, the plaintiff examined himself as P.W.1 and another witness was examined as P.W.2. The defendants have cross-examined P.W.1. Thereafter, an application has been filed to recall P.W.1 for further cross-examination. The suit is posted for further cross-examination of plaintiff's side witness. In order to decide the



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real controversy between the parties, an opportunity can be provided to the revision petitioners/defendants to cross-examine P.W.1 further. Therefore, this Court is inclined to allow this Civil Revision Petition and the revision petitioners/defendants shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to P.W.1 as cost, on appearance of P.W.1.

7. With the above directions, this Civil Revision Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

24.09.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
ssb

To
The Subordinate Court, Arani.



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M. JOTHIRAMAN, J.

ssb

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