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C.R.P.No.3877 of 2025

DATED: 12-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**CRP No.3877 of 2025
and
CMP Nos.20514 & 21019 of 2025**

1.K.Shanker
S/o.Late M.Krishnamoorthi,
No.147 Katchery Street, Thirupattur, Vellore District,
now Tirupattur District.

2.K.Ramesh
S/o.Late M.Krishnamoorthi,
No.147 Katchery Street, Thirupattur, Vellore District,
now Tirupattur District.

3.K.Sekar
S/o.Late M.Krishnamoorthi,
No.147 Katchery Street, Thirupattur, Vellore District,
now Tirupattur District.

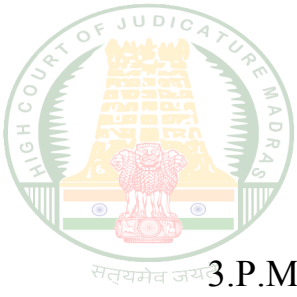
Petitioner(s)/Defendant(s)

Vs

1.K.Banumathi
W/o.Kirubalan,
D.No.41, Nehru Street, Mahalingapuram, Pollachi - 642
002, Coimbatore District.

P.M.M.Nandagopal (died)
N.Saravana Sundar (died)

2.Vijayalakshmi
W/o.P.M.M.Nandagopal,
No.27/74, Medavakkam Tank Road, Kilpauk, Chennai.



C.R.P.No.3877 of 2025

3.P.M.N.Mohana Krishna
S/o.P.M.M.Nandagopal,
No.110 Ashok Nagar, Pachal Village, Tirupattur,
Vellore District.

4.P.N.Sankar
S/o.P.M.M.Nandagopal,
No.27/74, Medavakkam Tank Road, Kilpauk,
Chennai - 10

5.N.S.Aruna
W/o.Late Saravana Sundar,
No.2/C, Thiru Vi.Ka Road, Tirupattur, Vellore District.

6.Minor N.S.Aravindh Roshan
S/o.Late Saravana Sundar, Minore Rep by his
N.F.Mother, Rest.at.No.2/C, Thiru Vi.Ka Road,
Tirupattur, Vellore District.

Respondent(s)/Plaintiff(s)

Civil Revision Petition filed under Article 227 of the Constitution of India to direct the trial Court to give the petitioners a fair opportunity to summon the witnesses PW2 and PW3 by way of all modes in O.S.No.6 of 2012 on the file of the Principal District and Sessions Court, Tirupattur District.

For Petitioner(s): Mr.R.S.Maitreya

For R3: Mr.B.Manoharan



C.R.P.No.3877 of 2025

WEB COPY

ORDER

This petition has been filed directing the Court below to give the revision petitioners a fair opportunity to summon the witnesses *viz.* PW2 and PW3 by way of all modes in O.S.No.6 of 2012 on the file of the Principal District and Sessions Court, Tirupattur District.

2. The learned counsel appearing for the revision petitioners/defendants would submit that the Court below erred in keeping the parties uninformed about the further course of action to secure the presence of the witnesses PW2 and PW3. Further, the Court below failed to consider the fact that the witnesses sought to be summoned are the residents of Pollachi, which is far away from the trial Court and therefore, some reasonable time would take for the summons to reach them. That apart, the Court below erred in adjourning the matter on a day-to-day basis, which would exhaust the parties for no results. The revision petitioners/defendants should be given fair chance to prove their case by giving an opportunity to examine the witnesses PW2 and PW3.

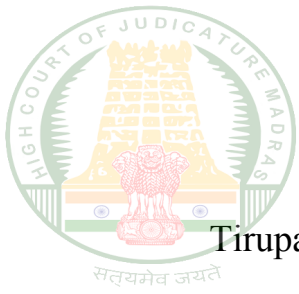


C.R.P.No.3877 of 2025

3. The learned counsel for the third respondent/fifth plaintiff, who appeared through video conference, would submit that the third respondent/fifth plaintiff has no serious objection to call for the witnesses PW2 and PW3 for cross-examination and requested this Court to fix some reasonable time to cross-examine them.

4. It is seen from the records that the suit in O.S.No.6 of 2012 is filed for declaration and for recovery of possession. The revisions petitioners/defendants have filed their written statement and thereafter, necessary issues were also framed. The trial commenced on behalf of the respondents/plaintiffs. The third respondent/fifth plaintiff examined himself as PW1 and certain documents were marked. Thereafter, PW2 and PW3, who are the attesting witnesses in the Will, through which, the respondents/plaintiffs claim right over the suit properties, were also examined.

5. It is also seen from the records that the revision petitioners/defendants have filed Tr.C.M.P.Nos.116 & 117 of 2025 before this Court seeking to withdraw the suits in O.S.Nos.6 and 14 of 2012, respectively, from the file of the Principal District and Sessions Court,



C.R.P.No.3877 of 2025

Tirupathur, to the file of the Principal District Court, Vellore.

WEB COPY 6. This Court, *vide* order dated 19.06.2025, dismissed the aforesaid Tr.C.M.Ps. with certain directions, which reads thus:

“11. The trial Court shall permit P.W.1 Mohanakrishnan to be cross examined by the counsel for the defendants 1 to 3 in O.S.No.6 of 2012. Similarly, the trial Court shall also permit the defendants in O.S.No.6 of 2012 to pay witness batta for summoning attesting witnesses P.W.2 and P.W.3 on a particular day assigned by the trial court, Subject to the appearance of the witness P.W.2 and P.W.3 on the said date, the counsel for the defendants shall be permitted to cross examine them. No further indulgence shall be shown to the counsel for the defendants by way of adjourning the matter to any other date both for the purposes of cross examination of P.W.1, P.W.2 and P.W.3.

12. The suits shall in any event be taken up for full fledged trial and both the suits shall be disposed of within a period of four months from the date of receipt of a copy of this order.”

7. It is seen from the above order passed by this Court on 19.06.2025 that this Court had already directed the trial Court to permit PW1 to be cross-examined by the learned counsel for the revision



C.R.P.No.3877 of 2025

petitioners/defendants in O.S.No.6 of 2012 and further directed the trial

Court to permit the revision petitioners/defendants in O.S.No.6 of 2012 to pay witness batta for summoning the attesting witnesses PW2 and PW3 on a particular date assigned by the trial Court.

8. It is further seen from the records that the trial Court is posting the matter on a day-to-day basis even without giving sufficient time for the summons to reach the witnesses.

9. It is also to be noted that this Court had already directed that the suits in O.S.Nos.6 & 14 of 2012 shall in any event be taken up for full-fledged trial and disposed of within a period of four months from the date of receipt of copy of that order dated 19.06.2025.

10. That being the case, in order to decide the *lis* pending between the parties, a fair opportunity may be given to the revision petitioners/defendants to cross-examine the attesting witnesses PW2 and PW3.

11. In such circumstances, this Court is inclined to issue the



C.R.P.No.3877 of 2025

following directions:

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- (a)The learned counsel appearing for the third respondent/fifth plaintiff shall undertake to instruct PW1 (third respondent/fifth plaintiff) to appear before the Principal District and Sessions Court, Tirupathur, next week subject to his convenience.
- (b)The trial Court shall permit the revision petitioners/defendants to pay witness batta for summoning the attesting witnesses PW2 and PW3 by way of all modes on a particular day assigned by the trial Court.
- (c)Subject to the appearance of the witnesses viz. PW1 to PW3 on the said date fixed by the trial Court, the revision petitioners/defendants shall be permitted to cross-examine them.
- (d)No further indulgence can be shown to the learned counsel for the revision petitioners/defendants by way of adjourning the matter to any other date for the purpose of cross-examination of PW1 to PW3.
- (e)The trial Court shall follow the directions and the time line fixed by this Court on 19.06.2025 in Tr.C.M.P.Nos.116 & 117 of 2025.

With the above directions, this civil revision petition stands disposed of. No costs. Connected C.M.Ps. are closed.

12-09-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes; Neutral Citation:Yes/No
nsd



C.R.P.No.3877 of 2025

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To

The Principal District and Sessions Judge,
Tirupathur



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C.R.P.No.3877 of 2025

M.JOTHIRAMAN, J.

nsd

C.R.P.No.3877 of 2025

12.09.2025