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C.R.P.Nos.4779 and 4780 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.Nos.4779 and 4780 of 2024
and CMP Nos.26749 and 26750 of 2024

Ravichandrane

... Petitioner in
both CRPs

-Vs-

Satiyavanimuttu

... Respondent in
both CRPs

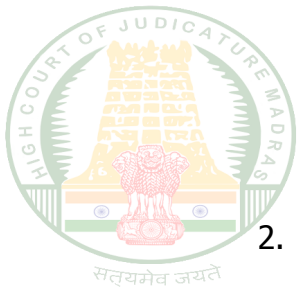
Prayer : Civil Revision Petitions under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.Nos.4 and 5 of 2024 in O.S.No.86 of 2022 on the file of the Principal Sub Court, Puducherry dated 09.08.2024.

For Petitioner : Ms.R.Dharani
for Mr.D.Ashok Kumar

For Respondent : Mr.Md.Sajid

ORDER

The matter is listed 'for being mentioned' today at the instance of Mr.D.Ashok Kumar.



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2. When this Court ordered 'notice of motion' on 25.11.2024, an order of interim stay of further proceedings in O.S.No.86 of 2022 was ordered. It has been noted by the Court Officer in the bundle. Unfortunately, the concerned stenographer had noted that as if only notice had been ordered, and failed to record that interim stay has been granted. I was holding Court at Madurai from February till April 2025. On my return, a mention was made and hence, the matter is listed for hearing.

3. Heard Ms.R.Dharini for the revision petitioner and Mr.Mohammed Sajjid for the respondents. By consent, the main revisions itself are taken up for disposal.

4. These revisions challenge the order passed by the learned Principal Subordinate Judge in Puducherry in I.A.Nos.4 and 5 of 2024 dated 09.08.2024 passed in O.S.No.86 of 2022.

5. O.S.No.86 of 2022 is a suit presented by the respondent herein for declaration of title, recovery of possession and other reliefs. In the said suit, the plaintiff has completed his examination as early as in 2023. Thereafter, he examined another witness viz., P.W.2 who was a witness to the settlement deed dated 21.02.2020. Learned counsel for the defendant had cross examined both P.W.1 and P.W.2. The evidence was closed and the case was adjourned for further hearing. In April 2024, the defendants 1 to 3 filed an application for reopening and



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recalling the evidence of P.W.1 and P.W.2 for putting certain factual questions in the suit. Those applications were numbered as I.A.Nos.4 and 5 of 2024. It came to be opposed by the plaintiff stating that there is no ambiguity in the evidence that has been tendered by P.Ws 1 and 2, and therefore, the defendant should not be given an opportunity to fill up omissions and lacunae in the evidence.

6. The learned trial Judge took up the applications for disposal and after referring to a judgment of this Court in **T.Sanjeevi -vs- E.Perumalsamy in C.R.P(PD)(MD) Nos.41 and 42 of 2021**, came to a conclusion that the applications are untenable and consequently dismissed the same. Hence these revisions.

7. I heard the learned counsel for the respective parties and have gone through the records.

8. The suit is one for declaration of title, recovery of possession and also for a declaration that the deed canceling the settlement deed executed in favour of the plaintiff is null and void. Vital rights relating to immovable property are involved in the said suit. As to the demand of the plaintiff that the defendant has not disclosed the "vital questions" that he seeks to elicit from P.Ws.1 and 2 is concerned, I am of the view that in case the defendant discloses those factual questions, the purpose of cross examination itself will be defeated. The purpose of cross examination is to



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bring forth before the Court the evidence in a suit, which, if disclosed earlier, will prepare the party to give tailor made replies. Therefore, the demand that the factual questions should have been disclosed earlier does not apply to adversarial form of litigation.

9. However, taking into consideration that the plaintiff has been before the Court from 2022 onwards, the defendant must not be permitted to drag on the proceedings. Hence, by consent I pass the following order:

(a) P.W.1 and P.W.2 will present themselves before the learned Principal Subordinate Judge at Puducherry on **07.07.2025**.

(b) On that date, the defendant shall cross examine P.W.1 and P.W.2. In case he so requests, the matter can be adjourned for one further day. In any event, the evidence of P.W.1 and P.W.2 must be closed on **08.07.2025**. Any request for adjournment by the defendant beyond **08.07.2025** should not be entertained by the Court.

(c) As a condition for reopening and recalling P.W.1 and P.W.2, the defendant shall tender a sum of Rs.10,000/- per witness on or before **04.07.2025**. In case the sum of Rs.10,000/-



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per witness is not tendered, the benefit granted under this order shall stand automatically forfeited.

(d) Once the evidence of the plaintiff is concluded, the trial Court is requested to proceed with all expedition that this matter deserves and the suit should be disposed of on or before **31.10.2025**.

10. With the above directions, these Civil Revision Petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

20.06.2025

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Principal Subordinate Judge
Puducherry.



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V. LAKSHMINARAYANAN, J.

KST

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