



A No. 4791 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A No. 4791 of 2025 & A NO. 4792 OF 2025

in

TOS NO. 1 OF 2013

1. NAGABUSHANAM (Deceased)

V.Loganathan (Deceased) 1.Mrs.Girija
and 5 others

E-70/15, 3rd Cross Street, Periyar
Nagar, Chennai 600 082. and 5 Others

2. Mrs.Rambai

No.19, PE West Mada Street,
Ayanavaram, Chennai 600 023.

3. Mrs.Latha

D3 to D6 Residing at No.14D,
Chinnamettu Kuppam, Maduranaicken
Street, Maduravoyal, Chennai 600 095.

4. Mr.Chandramohan

Chennai

5. Mr.Soundararajan

Chennai

6. Nandhini

Chennai

Applicant(s)



Vs

1. Mrs. Padmavathy @ Padma and 4
others
Chennai

2.Nandakumar
D2 to D5 Residing at No.20,
Gajalakshmi Colony 1st Street, Shenoy
Nagar, Chennai 600 030

3.Mrs.Lakshmi BAi
Chennai

4.Dhanalakshmi
Chennai

5.Rajeswari
Chennai

Respondent(s)

A No. 4792 of 2025

1. NAGABUSHANAM (Deceased)
V.Loganathan (Deceased) 1.Mrs.Girija
and 5 otheers
W/o.Late.S.P.Venkateswaralu, No.20/4,
Gajalakshmi Colony, 1st Street, Shenoy
Nagar, Chennai - 30.

2.Mrs.Rambai
No.19, PE West Mada Street,
Ayanavaram, Chennai 600 023.

3.Mrs.Latha
D3 to D6 Residing at No.14D,



Chinnamettu Kuppam, Maduranaicken
Street, Maduravoyal, Chennai 600 095.

4.Mr.Chandramohan
Chennai

5.Mr.Soundararajan
Chennai

6.Nandhini
Chennai

Appellant(s)

Vs

1. Mrs. Padmavathy @ Padma and 4
others
Chennai

2.Nandakumar
D2 to D5 Residing at No.20,
Gajalakshmi Colony 1st Street, Shenoy
Nagar, Chennai 600 030

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Chennai

4.Dhanalakshmi
Chennai

5.Rajeswari
Chennai

Respondent(s)



A No. 4791 of 2025

PRAYER

To allow the Petitioner/Defendants to reopen to cross examine P.W.3 Mr.V.Suresh Kumar, to the Judges Summons in the Petition.

A No. 4792 of 2025

PRAYER

To allow the Defendant/Petitioner to recall and cross examine P.W.3 Mr.V.Suresh Kumar, to the Judges Summons in the petition.

In both applications.

For Applicant(s): M/S.M. Anbalagan

For Respondent(s): L.J.Vengatesh

COMMON ORDER

The petition has been filed by the 8th defendant seeking to recall the witness, PW.3.

2. The learned counsel for the applicant submitted that during the earlier cross-examination of PW.3, certain questions were inadvertently omitted, and therefore, this petition has been filed to recall the said witness for further cross-examination.

3. The learned counsel for the respondent filed a counter and strongly objected to the petition, contending that the evidence of the plaintiff has already been closed, and PW.3, being an attesting witness as well as a practising advocate, need not be recalled at this stage.

4. On perusal of the affidavit filed in support of the application, it is seen



that only a vague and general statement has been made regarding the necessity of recalling PW.3. The applicant has merely stated that some questions were omitted to be put to the witness, without specifying their relevance or materiality.

5. During the course of hearing, the learned counsel for the applicant further submitted that PW.3 was a practising advocate at the time of his examination, and that certain questions which were not asked earlier are now sought to be posed upon reconsideration. It thus appears that the present application has been filed as an afterthought.

6. Even according to the applicant's own admission, he consciously chose not to put certain questions and closed the cross-examination of PW.3. Therefore, the same witness cannot be recalled at the mere whims and fancies of the applicant to pose additional questions at a later stage.

7. In view of the above, this Court finds no merit in these petitions. The reasons assigned are neither satisfactory nor convincing. Hence, these applications stand dismissed .

16-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jrs



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R.N.MANJULA J.

jrs

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