



A. No.4961 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

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THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. Nos.4961 & 4962 of 2025
and T.O.S. No. 5 of 2021

A. No.4961 of 2025:-

Kalpana Satish

...Applicant

Vs.

Lakshmi Sundara Raj

...Respondent

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XVIII Rule 17 and Section 151 of Code of Civil Procedure, praying to reopen the plaintiff side evidence in the above T.O.S. No. 5 of 2021 for the purpose of further cross examination of PW2, pending on the file of this Court.

For applicant : M/s.V.Meenakshi Sundaram

For Respondent : M/s.K.Murthy (Defendants)

A.No.4962 of 2025:-

Kalpana Satish

...Applicant

Vs.

Lakshmi Sundara Raj

...Respondent



A. No.4961 of 2025

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XVIII Rule 17 and Section 151 of Code of Civil Procedure, praying to recall PW2 Mrs.Lakshmi Sundararaj, the respondent herein for the purpose of further cross examination pertaining to the documents in respect of Madipakkam (Puzhithivakkam) and Tirupattur properties, pending on the file of this Court.

For applicant : M/s.V.Meenakshi Sundaram

For Respondent : M/s.K.Murthy (Defendants)

These applications have been filed to reopen and recall PW2 Mrs.Lakshmi Sundararaj, for the reasons stated in the affidavits filed in support of the applications.

2. Heard the learned counsel for the applicant and the learned counsel for the respondent.

3. The learned counsel for the applicant submitted that when PW2 was examined, she wanted certain documents to be produced, but she has not produced those documents and the said documents have to be filed through PW2.



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4. However, it is objected by the respondent /plaintiff that it is the application now filed by the defendant to protracts the proceedings. In the counter of the respondent /plaintiff, he has given a trajectory of how the case has been proceeded before the Court and the Original Petition filed in the year 2020, which is pending for nearly four years.

5. It is a fundamental Civil Law that if any of the party wishes to produce certain documents, first of all, an application has to be filed for seeking leave of this Court to receive and mark such documents and thereafter, it is for the party, who wishes to produce certain documents on his side to make his appearance and mark them through himself. Even while filing such application to reopen and recall itself the applicant has to convince the Court as to why he has not produced those documents at the first instance and mark them as his evidence. Without following any of such procedure, the applicant cannot be allowed to recall PW2 for the purpose of marking the documents obtained by the defendants, at a later point of time.

6. The applicant /defendant, who has been watching the proceedings without making any arrangement to secure his own



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documents to be marked as evidence, cannot be allowed to cause hardship to the other witness on the side of the plaintiff, who has already been cross-examined by the defendant also.

7. The learned counsel for the applicant submitted that the defendant is residing in UK and it may not be possible for him to present in order to mark those documents.

8. As the defendant has inconvenience to be present before the Court for marking documents, he cannot expect the plaintiff to be present for marking such documents for seeking his inconvenience.

9. In view of the reasons stated, the application is dismissed as no merits. No costs.

10. The matter is ordered to be listed after two weeks.

10.10.2025

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Dr. R.N.MANJULA, J.

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