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CRP.No.5993 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2025

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THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.5993 of 2025
and CMP.No.29685 of 2025

T.Kanagaraj

... Petitioner / Defendant

Vs

Sukanya

... Respondent / Plaintiff

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India praying to allow the civil revision petition and set aside the decretal order and order dated 09.09.2025 made in I.A.No.5 of 2025 in O.S.No.937 of 2017 on the file of XIV Assistant Judge, City Civil Court at Chennai.

For Petitioner : Ms.K.Padma Priya
for Mr.R.Rajesh

ORDER

This civil revision petition is filed challenging the order passed by the XIV Assistant Judge, City Civil Court, Chennai, in dismissing the application



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filed by the petitioner /defendant in I.A.No.5 of 2025 in O.S.No.937 of 2017, seeking to reject the proof affidavit and additional proof affidavit filed by the respondent / plaintiff.

2. The respondent/plaintiff herein filed a suit for mandatory injunction against the defendant to hand over vacant possession of the suit property. The trial in the suit has commenced. The respondent/plaintiff filed a proof affidavit. During the cross-examination of PW1 by the petitioner/defendant, PW1 deposed that she had been living in Puducherry. However, in the proof affidavit, the address of PW1 was mentioned as Chennai. Pointing out this discrepancy, the petitioner has filed the instant application seeking rejection of proof affidavit and additional proof affidavit. The said application was dismissed by the trial Court by order dated 09.12.2025. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel appearing for the petitioner would submit that PW1 has filed the proof affidavit stating that she is residing in Chennai. However, during the course of cross-examination, she admitted that she has been residing at Puducherry from 2018 onwards. In view of the said discrepancy, the proof affidavit filed by PW1 shall be rejected.



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4. Merely because the answers of PW1 in cross-examination goes against the averments found in chief-examination (proof affidavit), the proof affidavit filed by PW1 cannot be rejected. The credibility of witness, based on the answers in the cross-examination, shall be considered by the Court at the time of final disposal. However, the proof affidavit filed by the witnesses cannot be rejected based on isolated statement made in the cross-examination. The trial Court has rightly appreciated the legal position and dismissed the application filed by the petitioner. Hence, I do not find any error in the impugned order.

5. This civil revision petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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To:

1.The XIV Assistant Judge

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City Civil Court, Chennai.

2.The Section Officer
VR Section
High Court, Madras.

S.SOUNTHAR, J.

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