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CRP Nos.6049, 6050 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP Nos. 6049 and 6050 of 2025
and CMP No.29866 of 2025**

1. Liyakath Ali Jinnah
S/o. Sheik Mohammed, Door No.26,
West Jones Street, Saidapet,
Chennai-600 015.

Petitioner(s) in both CRPs

Vs

1. C.K.Geevar
S/o.Mr.C.I.Kurian, No.302, 3rd Floor,
no.58/5A, Sardar Patel Road,
Tharamani, Chennai-600 113.

Respondent(s) in both CRPs

PRAYER in CRP No.6049 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal order dated 25.08.2025 passed in IA No. 4 of 2025 in OS No. 148 of 2014 by the Principal District Judge, Tiruvallur.

PRAYER in CRP No.6050 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Decreetal order dated 25.08.2025 passed in IA No. 5 of 2025 in OS No. 148 of 2014 by the Principal District Judge, Tiruvallur.

For Petitioner(s): Mr.P.Chandrasekar in both CRPs



COMMON ORDER

Both the civil revision petitions have been filed challenging the common order passed by the Trial Court, allowing the applications filed by the respondent/plaintiff in I.A.Nos.4 and 5 of 2025 in O.S.No.148 of 2014, seeking to reopen the evidence of plaintiff side and to examine one Siva Ganesh as witness on his side.

2. The respondent herein/plaintiff filed the said suit for recovery of money, based on the promissory note. In the suit, recording of evidence was already over and the suit was posted for arguments. At this stage, the respondent/ plaintiff filed two applications, one is to reopen the evidence of plaintiff side and the another is to examine one Siva Ganesh as witness on his side. Both the applications were allowed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner would submit that the suit was filed based on the certified copy of the promissory note, marked in a connected suit filed by the petitioner and in the said suit, expert has given adverse opinion against the respondent. Therefore, the present petitions filed by the respondent are vexatious.



4. A perusal of the affidavit filed in support of the petition to reopen the evidence would indicate that, according to the respondent, the suit promissory note was executed in the presence of one Siva Ganesh and hence, he wants to examine the said person to prove due execution of promissory note. The pleadings of the parties would indicate that the petitioner stoutly denied the execution of the promissory note. In such circumstances, in order to prove due execution of promissory note, the respondent wants to examine the said Siva Ganesh as his witness. Though the applications were filed belatedly for reopening the evidence of plaintiff side and to examine additional witness, taking into consideration the real controversy involved in the pleadings, the Trial Court rightly allowed the applications, in the interest of justice and to give opportunity to the respondent to prove his case. I do not find any irregularity in the impugned order passed by the Trial Court.

5. Accordingly, this civil revision petitions are dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

6. The learned counsel for the petitioner, at this juncture, submits that after allowing of above said applications, continuously for three hearings, the respondent failed to produce the witness.



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7. Taking into consideration the fact that these applications were filed by the respondent after closure of evidence, the Trial Court is directed to dispose of the suit in O.S.No.148 of 2014 as expeditiously as possible.

28-11-2025

Internet: Yes

Index: yes/no

Neutral citation: Yes/No

MST

To

The Principal District Judge, Tiruvallur.



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S. SOUNTHAR, J.

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