



WEB COPY

A Nos.5847 & 5848 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

A Nos. 5847 & 5848 of 2025

in

OP No. 431 of 2022

M.Govendhan

...Applicant in both applications

Vs.

R.Anusuya

...Respondent in both applications

PRAYER in A.No.5847 of 2025: Application filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure, 1908, to reopen the respondent side evidence.

PRAYER in A.No.5848 of 2025: Application filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the Code of Civil Procedure, 1908, to re-call the RW1 for completion of cross examination by the applicant.

Appearance of counsel in both Applications

For Applicant: Mr.A.Ashok Kumar

For Respondent: Mr.Ramesh Umapathy



COMMON ORDER

These applications have been filed by the applicant to reopen the respondent side evidence and to recall RW1 for further cross examination.

2. According to the applicant, he is the petitioner in the main Original Petition, which was filed seeking appointment of Guardian for the minor child and for his custody.

3. This Court had directed the learned Master to complete the evidence within the stipulated time as fixed by this Court. The petitioner had also partly cross examined RW1. However, due to the time frame fixed by this Court, the applicant was unable to complete the cross examination and hence, the learned Master closed the evidence of the respondent's side.

4. It is contended that several vital questions were omitted during the cross examination and that the cross examination was not completed in full. Therefore, one more opportunity may be given to the applicant/petitioner to complete the cross examination of RW1. Accordingly, the applicant has filed these applications.



5. The respondent filed a counter, stating that sufficient opportunities had already been given to the applicant and that RW1 was elaborately cross examined and more than 125 questions were put to RW1, consuming considerable time and in all aspects, the RW1 was cross examined by the applicant. Therefore, there are no merits in these applications and prayed for dismissal of these applications.

6. Heard both sides and perused the materials available on record.

7. The applicant is the petitioner in the main Original Petition, which was filed seeking appointment of a guardian and custody of minor child. It is an admitted fact that the petitioner's side evidence has already been completed and RW1 was partly cross examined on the side of the petitioner. This Court had directed the learned Master to complete the evidence, within the stipulated time. Therefore, the learned Master, immediately after the lapse of time fixed by this Court, closed the evidence of respondent side. According to the applicant, RW1 is required to be further cross examined on vital aspects, and the applicant undertakes to complete the cross-examination of RW1 within two days. The respondent has strongly opposed to allow these applications, contending that the applicant has already covered the main points during cross examination.



8. In view of the submissions made by the learned counsel on both sides, this Court is of the opinion that it would be appropriate to give one more opportunity to the applicant for completion of cross examination of RW1. Accordingly, these applications are allowed on condition that the applicant shall complete the cross examination of RW1 on the next hearing date, without seeking any adjournment and the cross examination of RW1 shall be completed on the same day.

9. Post these matters before the learned Master on 09.01.2026.

10. The learned Master is directed to give first priority to this witness and complete the evidence on the same day.

18-12-2025

Jd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Note: Issue order copy on 19.12.2025.



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P.DHANABAL J.
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