



C.R.P.No.5926 of 2025
and C.M.P.No.29275 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.5926 of 2025
and C.M.P.No.29275 of 2025

Zeenath Unnisa

Rep by Power Agent Mr.M.O.H.Iqbal

... Petitioner

Vs

Fathima Faridunnisa

... Respondent

Prayer:- Civil Revision Petition filed under Section 115 of the CPC, against the order dated 10.10.2025 made in I.A.No.2 of 2025 in I.A.No.33 of 1995 in O.S.No.286 of 1978 passed by the II Additional District Court, Puducherry.

For Petitioner : Mr.R.Thiagarajan

For Respondent : Mr.T.S.Baskaran

ORDER



C.R.P.No.29275 of 2025
and C.M.P.No.29275 of 2025

This Civil Revision Petition has been filed against the order dated 10.10.2025 made in I.A.No.2 of 2025 in I.A.No.33 of 1995 in O.S.No.286 of 1978 on the file of the II Additional District Court, Puducherry.

2. Heard Mr.R.Thiagarajan, learned counsel for the petitioner and Mr.T.S.Baskaran, learned counsel for the respondent.

3. The revision petitioner challenges the dismissal of an application for appointment of an Advocate Commissioner to examine him at his residence at Chennai. In respect of the very same revision petitioner and similar request made in another revision in CRP No.4964 of 2024, after hearing the counsel for the parties therein, in the revision filed challenging the appointment of Advocate Commissioner, this Court allowed the revision with a direction that the revision petitioner herein shall appear on the date fixed for cross examination and the cross examination shall be preferably completed on the same day and in the unlikely event of the cross examination not being



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concluded on a single day, the evidence shall continue on the very next day and completed preferably the cross examination will be conducted on successive days and no adjournment will be sought for by the learned counsel for the respondent. However the appointment of Advocate Commissioner was set aside in CRP No.4964 of 2024 by order dated 19.09.2025.

4. The present revision is also at the instance of the respondent in the said revision petition. In the present case, the request of the respondent for appointment of Advocate Commissioner had been dismissed by the trial court. Though it is contended by the learned counsel for the petitioner that the health of the petitioner has worsened, since the last order, considering the admitted position that the order in CRP No.4964 of 2024 has become final and there can be no impediment for the petitioner to appear in person and present himself for cross examination before the Trial Court, the present revision is disposed of in the following manner.



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5. In the light of the above, Civil Revision Petition is dismissed with similar directions that have been issued in CRP No.4964 of 2024, as under:

- i. *“The petitioner shall file a proof affidavit in advance and serve a copy of the same on the counsel for the respondent before the Trial Court.*
- ii. *On the date fixed for cross examination of the petitioner, the counsel for the respondent shall not take any adjournment and the cross examination shall be commenced and completed on the same day and in the unlikely event of the same not being possible on account of paucity of time or other factors not permitting the same, then the evidence shall be continued on the next day and completed on the second day, without any further adjournment.*
- iii. *The petitioner shall cooperate for recording her evidence, preferably on a single day, with a buffer of one additional day.”*



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6. It is seen that the suit was filed in the year 1978 and this Court in A.S.No.328 of 2005 by judgment dated 19.11.2019 remitted the final decree proceedings to the Trial Court giving liberty to both the parties to adduce further evidence with regard to statement of accounts. In the light of the fact that the suit has been pending from the year 1978, the direction is issued to the Trial Court to dispose of the suit by end of April 2026.

7. In the result, Civil Revision Petition is dismissed. No costs. Consequently, connect Civil Miscellaneous Petition is closed.

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mtl

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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To

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1. The II Additional District Court, Puducherry.
2. The VR Section, Madras High Court, Chennai

P.B.BALAJI, J.

mtl

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