



C.R.P.Nos.6160, 6161 & 6162 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.Nos.6160, 6161 & 6162 of 2025
and
C.M.P.No.30233 of 2025

1.Shanmugasundaram
2.Varadhaiyan

...Petitioners
in all C.R.Ps'

-Vs-

1.Rooba
2.Saranya
3.Krishnasamy
4.Kokilavani
5.Mohan

...Respondents
in all C.R.Ps'

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to modify the fair and decreetal orders passed in I.A.Nos.15, 13 & 14 of 2025 in O.S.No.133 of 2006 dated 16.09.2025 on the file of the Court of the District Munsif, Mettupalayam, by deleting the portion of order imposing cost on the petitioners and pass such further orders.

For Petitioners : Mr.A.Muthukumar
in all C.R.Ps'

For Respondents : Mr.J.Pothiraj
in C.R.P.No.6161 of 2025



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COMMON ORDER

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These Civil Revision Petitions are filed challenging the orders passed in I.A.Nos.15, 13 & 14 of 2025 in O.S.No.133 of 2006 dated 16.09.2025 on the file of the Court of the District Munsif, Mettupalayam, allowing the applications filed by the petitioners/defendants seeking to recall PW1 and receive certain documents, subject to the imposition of costs of Rs.2,000/-.

2. Respondents 1 and 2 had filed a suit for partition against the petitioners. In the suit, the recording of evidence was completed, and the matter was posted for arguments. At this stage, Respondents 1 and 2/plaintiffs filed an application seeking to reopen the case, recall PW1, and mark certain documents. These applications were allowed by the Trial Court, PW1 was recalled, and additional documents were marked.

3. Subsequently, the petitioners herein, arrayed as Defendants 3 and 5, filed applications seeking to reopen the case, recall PW1, and receive certain additional documents. The Trial Court allowed these applications by imposing costs as stated above. Aggrieved by the orders, these Civil Revision Petitions have been filed before this Court.



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4. Learned counsel for the petitioners contended that since Respondents 1 and 2 recalled PW1 and marked two documents, the petitioners were entitled to adduce rebuttal evidence as a matter of right. In such circumstances, the Trial Court ought not have imposed costs while allowing the applications filed by the petitioners.

5. A perusal of the affidavit filed by the petitioners in support of their applications would indicate that they did not claim that the recall of their witness was necessary to adduce additional rebuttal evidence. Instead, the affidavit merely stated that the petitioners wanted to file 11 new documents obtained by them. A perusal of list of documents would indicate that most of these documents are sale deeds dated prior to 1988. The documents could have been filed by petitioners earlier.

6. The petitioners failed to plead that for the purpose of leading rebuttal evidence their witness [3rd Defendant] required to be recalled. The applications were primarily filed to introduce additional documents. Therefore, the argument of the learned counsel for the petitioners is without merit and I do not find any error in the order passed by the Trial Court in imposition of costs, especially when there is delay on the part of petitioners in producing old documents.



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S.SOUNTHAR, J.

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7. Taking into consideration that the suit is of the year 2006, this Court is inclined to direct the District Munsif Court, Mettupalayam, to dispose of the suit in O.S.No.133 of 2006 as expeditiously as possible.

8. The petitioners are directed to deposit the costs as imposed by the Trial Court to the credit of O.S.No.133 of 2006 on the file of the District Munsif Court, Mettupalayam, within a period of two weeks from the date of receipt of a copy of this order. In case, the cost is not deposited within time extended by this Court, the I.A.Nos.15, 13 & 14 of 2025, shall stand automatically dismissed.

9. With the above directions, these Civil Revision Petitions are dismissed. There shall be no order as to costs. Connected, the civil miscellaneous petition is closed.

02.12.2025

cda

To

The District Munsif Court,
Mettupalayam.

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