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CRP.No.6192 and 6193 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.6192 and 6193 of 2025 and
CMP.No.30533 of 2025

Palanisamy

... Petitioner in both CRP's

Vs.

Karpagam

...Respondents in both CRP's

PRAYER in CRP.No.6192 of 2025:Civil Revision Petition filed Article 227 of Constitution of India to set aside the fair Order dated 04.11.2025 made in IA No. 10 of 2025 in OS No. 308 of 2022 on the file of III Additional District and Sessions Judge, Dharapuram.

PRAYER in CRP.No.6193 of 2025:Civil Revision Petition filed Article 227 of Constitution of India to set aside the fair Order dated 04.11.2025 made in IA No.9 of 2025 in OS No. 308 of 2022 on the file of III Additional District and Sessions Judge, Dharapuram.

For Petitioner
in both CRP's

: M/s. N.Ponraj



COMMON ORDER

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The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the Respondent/Defendant seeking to reopen the case and recall P.W.'s for the purpose of further cross examination.

2. The petitioner herein filed a suit for recovery of money based on the promissory note. The recording of evidence in the suit was already closed and the same is posted for arguments. At this stage, the respondent/defendant filed present application to reopen the case and to recall P.W.'s for the purpose of further cross-examination. The trial court allowed the application by imposing a cost of Rs.2,000/-. Aggrieved by the same, the petitioner/plaintiff has come before this court.

3. The learned counsel for the petitioner submitted that in the affidavit filed in support of the petition to reopen and recall, the respondent has not mentioned what are all the documents that has been found by her recently for the purpose of cross-examination of the plaintiff and therefore, the averments in the said application are very vague and the trial court ought not have allowed the application based on the vague averments made by the respondent.



4. In the affidavit filed in support of the applications, it was stated by the respondent that at the time of cross examination of P.W.'s, certain material documents were not available with her and therefore, she was not in a position to give proper instruction to her counsel to cross examine P.W.'s with regard to those documents.

5. It is vehemently contended by the learned counsel for the petitioner that details of the documents now found by the respondent has not been revealed in the affidavit and therefore, the trial court ought not have allowed the applications. A perusal of the affidavit would indicate that respondent wants to cross-examine P.W.'s based on some new documents found by her recently. If the details of those documents are revealed in the affidavit filed in support of re-opening petition, the purpose of cross-examination will not be served. Therefore, we cannot find fault with the respondent for her failure to reveal the details of documents based on which she wants to cross-examine P.W.'s.

6. Of course, there is a delay on the part of the respondent. Taking into consideration the long delay and the previous conduct of the respondent, the trial court has imposed a cost of Rs.2000/- on the respondent while allowing



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the applications. Thus, the trial court exercised its discretion to give an opportunity to the respondent. I do not find any material irregularity in the order passed by the trial court. Accordingly, these civil revision petitions are dismissed.

7. Taking into consideration the suit already attained the stage of arguments, the trial court is directed to dispose of the suit as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

08.12.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes/No
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To

The III Additional District and Sessions Judge, Dharapuram.



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S.SOUNTHAR, J.

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