



CRP(MD). No.223 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.223 and 224 of 2022
and CMP(MD) No.997 of 2022**

Balasubramanian

... Petitioner in both
CRPs.

v.

1. Vijayalakshmi,
W/o Ganapathi Asari, Ponnagaram West,
Korampallam, Thoothukudi, Thoothukudi District.

2. Murugesan,,
S/o Karuppaiah Asari,
D No.92, Briyant Nagar 12th Street,
Kattapomman Nagar West,
Thoothukudi, Thoothukudi District.

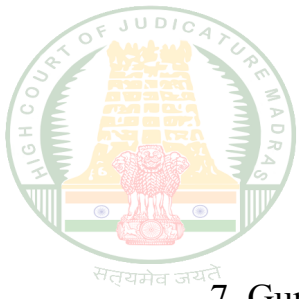
3. Indhira,,
W/o Balasubramanian,
D No.92, Briyant Nagar 12th Street,
Kattapomman Nagar West,
Thoothukudi, Thoothukudi District.

4. Vasanthi

5. Meena

6. Revathi

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7. Gurusamy

8. Suseela

9. Sundareshwari

10. Mareeswari

11. Karuppasamy @ Kannan

12. Karuppiah

... Respondents in
both CRPs

PRAYER :-Civil Revision Petitions filed under Article 227 of the Constitution of India to call for the records pertaining to the impugned fair and decreetal order dated 07.12.2021 made in IA No. 4 of 2021 in OS No. 44/2016 on the file of the Subordinate Court, Thoothukudi and set aside the same.

For Petitioners : Mr.C.Gangai Amaran
For Respondents : Mr.G.Prabhu Rajadurai for R1
No appearance for R2 to R10

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decreetal order dated 07.12.2021 made in IA Nos. 4 and 5 of 2021 in OS No. 44/2016 on the file of the Subordinate Court, Thoothukudi.



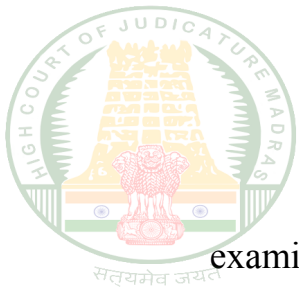
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2. The petitioner's case is that the petitioner is the defendant in OS No.44/2016 on the file of the Subordinate Court, Thoothukudi. The respondent No.1/plaintiff filed the suit for partition in which PW1/plaintiff was examined on 24.08.2021 and she was also cross-examined on the same day and the matter was argued. At this juncture, the petitioner filed petitions to reopen and recall P.W.1 for questioning her regarding the validity of the certificate produced by her before the trial Court. However, the said petitions were dismissed. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner has not cross-examined P.W.1 with regard to the certificate produced by her and hence, it is necessary to reopen and recall P.W.1's evidence for the purpose of cross-examination. Hence, he prays for appropriate direction.

4. Per contra, the learned counsel for the first respondent/plaintiff would submit that all these documents were marked at the time of chief examination itself and the petitioner has also completed the cross-

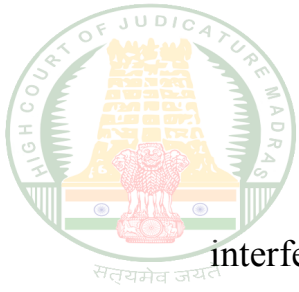


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examination and thereafter the evidence was closed and subsequently the arguments were also over and at that point of time, the petitioner has filed these petitions to reopen and recall P.W.1 and hence, the trial Court rightly dismissed those petitions and hence, no interference is warranted.

4. I have considered the rival submissions and perused the materials available on record.

5. It is seen that the petitioner is the defendant in OS No.44/2016, which has been filed for partition. In order to reopen and recall P.W. 1/plaintiff to examine her with regard to the certificate produced by her, the petitioner filed petitions to reopen and recall P.W.1. However these petitions were dismissed. It is also seen that in the suit, the evidence is completed on both sides and arguments were also heard by the trial Court and the suit is at the stage of pronouncing orders. At that point of time, the petitions filed to reopen and recall the evidence of P.W.1 to examine and cross-examine is nothing but a tactics adopted by the petitioner to drag on the proceedings. Hence, the trial Court rightly dismissed those petitions, which, in the considered view of this Court, do not require any



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interference. Accordingly, the Civil Revision Petitions are dismissed.

No costs. Consequently connected Miscellaneous Petition is closed.

27.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The 3rd Additional District Munsif, Tiruchirapalli

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) Nos.223 and 224 of 2022**

Date : 27/06/2025