



C.R..P.(PD)(MD).Nos.734 and 735 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)Nos.734 and 735 of 2025

and

C.M.P(MD) No.3881 of 2025

In both Petitions:

Yuvaraj @ Yuvaraj Kumar (Died)

1. Vijayalakshmi

2. Mangaiyarkarasai

3. Manimegalai

4. Chakravarthi

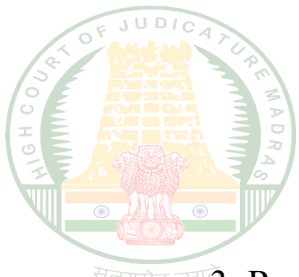
... Petitioners/
Respondents 1 to 5/
Plaintiffs

Vs.

1. Santhakumari

... 1st Respondent/Petitioner
/2nd Defendant

2. Rajasekaran



C.R..P.(PD)(MD).Nos.734 and 735 of 2025

3. Ramanathapuram Saravanapuram
S.U.Vu Thiru Sabai
Through its Father
Mr.Moyisan Adaikalar
S/o.Mariya Ponnusamy
Velayuthapuram Village,
Kudalur,
Sivakiri Taluk,
Tirunelveli District.

4. Sakthivel Nadar

... Respondents 2 to 4/
Respondents 6 to 8/
Defendants 1, 3 and 4
Defendants

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order and decree dated 12.11.2024 made in I.A.Nos.8 and 9 of 2024 in O.S.No.120 of 2014 on the file of the Sub Court, Sankarankovil and allow these Civil Revision Petitions.

In both petitions:

For Petitioners : Mr.G.Gomathisankar
For R1 : Mrs.S.Mahalakshmi
For R2 to R4 : No appearance



C.R..P.(PD)(MD).Nos.734 and 735 of 2025

COMMON ORDER

WEB COPY

The plaintiffs in O.S.No.120 of 2014 on the file of the Sub Court, Sankarankovil, have filed these Civil Revision Petitions challenging the orders passed in I.A.Nos.8 and 9 of 2024.

2. A perusal of the records reveal that the suit has been filed for the relief of partition and permanent injunction. In the year 2014, when the suit was posted for arguments, the second defendant has filed an application in I.A.No.8 of 2024 for reopening the defendants' side evidence. I.A.No.9 of 2024 has been filed to recall the witness. These two applications have been allowed by the trial Court on payment of cost of Rs.1000/- (Rupees One Thousand only) each. Challenging these two orders, the present Civil Revision Petitions have been filed.

3. According to the learned counsel appearing for the revision petitioners, the petitioners have not specifically stated which witness has to be recalled. That apart, no separate application has been filed for seeking permission of the Court to mark the documents. Interlocutory applications



C.R..P.(PD)(MD).Nos.734 and 735 of 2025

WEB COPY

have been filed only to reopen and recall and no separate application has been filed for reception of documents. In such circumstances, both the applications should not have been allowed.

4. Per contra, the learned counsel appearing for the first respondent/2nd defendant has submitted that for marking of certain documents, the defendants side witnesses have to be recalled and the defendants side evidence has to be reopened.

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

6. As rightly contended by the learned counsel appearing for the revision petitioners in I.A.No.9 of 2024 it has not specifically stated which witness has to be recalled. In I.A.No.8 of 2024, there is no reference about which of the documents, the defendants want to present before the Court. No separate application has been filed for reception of documents. In such circumstances, the trial Court ought not to have allowed these applications.



C.R..P.(PD)(MD).Nos.734 and 735 of 2025

WEB COPY

7. In view of the above said facts, the order impugned in the revision petitions is set aside and both the Civil Revision Petitions are allowed. Considering the fact that the suit is of the year 2014 and it is in the argument stage, the trial Court is directed to dispose of the suit in O.S.No.120 of 2014 on or before **31.08.2025**. There shall be no order as to costs. Consequently connected Miscellaneous petition is closed.

24.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Sub Court,
Sankarankovil.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R..P.(PD)(MD).Nos.734 and 735 of 2025

R.VIJAYAKUMAR,J.

ebsi

C.R.P(PD)(MD)Nos.734 and 735 of 2025

24.04.2025