



C.R.P.(MD)Nos.1658 and 1659 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)Nos.1658 and 1659 of 2025

and

C.M.P(MD) No.8782 of 2025

In both Petitions:

1. Chikkammal

2. Kalai Selvi

3. Vetri Selvi

... Petitioners/Petitioners/
Plaintiffs 1, 3 and 4

Vs.

1. Thangavel

2. Saravanan

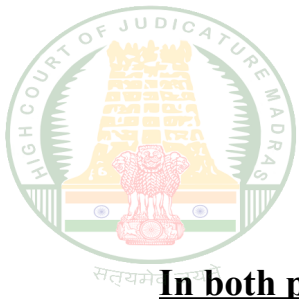
3. Ramaraj

4. Palanisamy

5. Basheer Ahamed

... Respondents/Respondents 1 to 5
/Defendants

COMMON PRAYER: Civil Revisions Petition filed under Article 227 of Constitution of India, to set aside the order dated 06.02.2025 passed in I.A.Nos. 5 and 6 of 2024 in O.S.No.137 of 2012 on the file of the Principal District Munsif Court, Vendasandur, by allowing this Civil Revision Petitions.



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In both petitions:

For Petitioners : Mr.C.Prithviraj

For Respondents : No appearance

COMMON ORDER

These Civil Revision Petitions are filed seeking to set aside the order dated 06.02.2025 passed in I.A.Nos.5 and 6 of 2024 in O.S.No.137 of 2012 on the file of the Principal District Munsif Court, Vedasandur, by allowing this Civil Revision Petition.

2.The plaintiffs filed a suit for declaration and permanent injunction in O.S.No.137 of 2012. The second plaintiff is the son of the first plaintiff and the third and fourth plaintiffs are the daughters of the first plaintiff. The second plaintiff is contesting the case as against the defendants. The second plaintiff was examined as P.W.1 before the trial Court and the trial Court closed the evidence on the side of the plaintiffs. Subsequently, the petitioners at the time of the arguments came to know that the second plaintiff, colluding with the defendants, has not deposed the real thing. Thereby, the plaintiffs 1, 3 and 4/petitioners herein filed applications in I.A.Nos.5 and 5 of 2024 to reopen and recall plaintiff's side evidence and examine the first plaintiff as P.W.2. However, the said applications were dismissed by the trial Court on the ground



that the petitioners have filed this petition only to drag on the proceedings.

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3.The learned counsel for the petitioners would submit that the petitioners are the first, third and fourth plaintiffs and the first plaintiff has earlier contested the case. Thereafter, all the documents were handed over to the second plaintiff, who is none other than the son of the first plaintiff. However, the second plaintiff has not conducted the case properly. Hence, the first plaintiff wanted to examine herself as P.W.2. By examining the first plaintiff as one of the witnesses, no serious prejudice will be caused to be defendants. If there is any grievance, the defendants very well cross examine the first plaintiff. However, the trial Court without considering all these aspects, has dismissed the applications filed by the petitioners.

4.The learned counsel for the petitioners further submits that this Court shall fix a date for the appearance of the first plaintiff before the trial Court and on the very same day, the defendants shall be allowed to cross examine the first plaintiff and also issue a direction to conclude the trial within the period stipulated by this Court.

5.The learned counsel for the respondents has not raised any serious dispute for the same.



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6. Accordingly, these Civil Revision Petitions are disposed of on the following terms:

The first petitioner/first plaintiff is directed to appear before the trial Court on 24.07.2025. On such appearance, the trial Court is directed to examine the petitioner/first plaintiff as P.W.2 and permit the defendants to cross examine the first plaintiff. Considering the fact that the suit is pending from the year 2012, the trial Court shall dispose of the suit within a period of three months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

03.07.2025

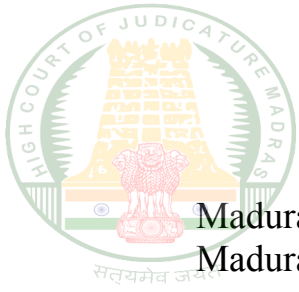
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To

1. The Principal District Munsif Court,
Vedasandur.

2. The Section Officer,
Vernacular Records,

4/6



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Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI,J.

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