



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

WEB COPY

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1281 of 2025

and

C.M.P.(MD).No.6705 of 2025

1.Marikannu
2.Rajammal
3.Lakshmi
4.Muthusamy

.. Petitioners/Defendants 5 to 8

Vs.

S.Muthusamy

.. Respondent/ Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.04.2025 passed in I.A.No.16 of 2025 in O.S.No.69 of 2021 on the file of the learned Subordinate Judge, Sattur.

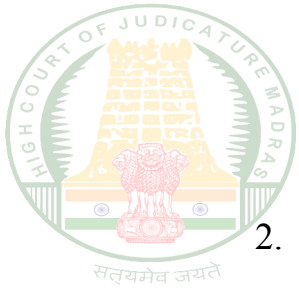
For Petitioners : Ms.S.Mahalakshmi

For Respondent : Mr.Mohammed Haneef

* * * * *

ORDER

This petition has been filed seeking orders to set aside the fair and decreetal order passed in I.A.No.16 of 2025 in O.S.No.69 of 2021 on the file of the learned Subordinate Judge, Sattur.



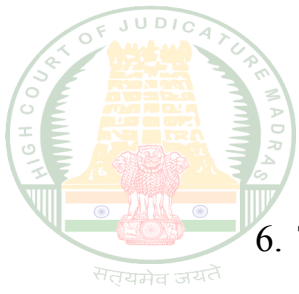
WEB COPY

2. The petitioners herein are the defendants 5 to 8 and the respondent herein is the plaintiff in the suit in O.S.No.69 of 2021.

3. The learned counsel for the petitioners would submit that the petitioners are the defendants 5 to 8 in the suit in O.S.No.69 of 2021. The said suit was filed by the respondent/plaintiff for declaration declaring that the Will dated 11.07.1988 is legally valid and enforceable under law; declaring that the suit properties are absolute properties of the plaintiff as per the conditions of the Will dated 11.07.1988 and consequently direct the defendants 5 to 8 to hand over the suit properties to the plaintiff without any hindrance and restraining the defendants from the further encumbering the suit property by granting permanent injunction.

4. The grievance of the petitioners/defendants 5 to 8 is that they partially completed the cross-examination. Eventhough the trial Court closed the cross-examination of the petitioners on 10.07.2024. Thereafter the petitioners filed the present IA for recalling PW1 for completing the cross-examination. Challenging the same, the present Civil Revision Petition is filed.

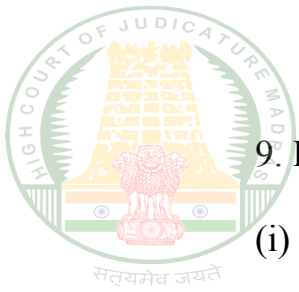
5. Heard the learned counsel appearing for the petitioners as well as the respondent.



6. The learned counsel for the petitioners submitted that admittedly the suit was filed in the year 2012. For various reasons, the suit was transferred to the Sub Court, Sattur and renumbered as O.S.No.69 of 2021 and now the suit is pending before the trial Court. Several IAs were filed by the petitioners as well as the respondent. The main grievance of the petitioner is about the cross-examination of the witness-PW1. However, the trial Court closed the cross-examination on 10.07.2024. Thereby the present revision petition has been filed. However without allowing the petitioners to cross-examine PW1, great prejudice would be caused to the petitioners and he would further submit that the petitioners are ready to pay reasonable cost for recalling PW1 for completing the cross-examination.

7. Per contra, the learned counsel for the respondent would submit that the petitioners filed number of applications before the trial Court to drag on the proceedings. Hence, the trial Court dismissed the IA filed by the petitioners.

8. Till date the suit in O.S.No.69 of 2021 is pending. However, the trial Court dismissed the IA petition for various reasons. Hence, this Court is of the view that the order of the trial Court need to be interfered on condition of imposition of cost to the petitioners.



9. In the result:

(i) The civil revision petition stands allowed and the fair and decreetal order passed in I.A.No.16 of 2025 in O.S.No.69 of 2021 on the file of the learned Subordinate Judge, Sattur, dated 02.04.2025, is set aside.

(ii) The petitioners shall pay cost of Rs.10,000/- payable to PW1 on or before 30.06.2025.

(ii) On such payment, PW1 is directed to appear before the trial Court on 30.06.2025 for cross-examination and on the date itself the petitioners are directed to complete the cross-examination and thereby the trial Court is directed dispose the suit within a period of six(6) months from then.

No costs. Consequently, the connected miscellaneous petition is closed.

23.06.2025

Internet:Yes/No

Index:Yes/No

PJL

Note: Issue order copy on 24.06.2025.

To

1.The Subordinate Judge, Sattur.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.



WEB COPY

C.R.P.(PD)(MD)No.1281 of 2017





WEB COPY

C.R.P.(PD)(MD)No.1281 of 2025



M.DHANDAPANI, J.

PJL

C.R.P.(PD)(MD)No.1281 of 2025

23.06.2025