



CRP(MD). No.1624 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.1624 and 1625 of 2025
and CMP(MD) No.8417 of 2025**

1.Pandi

2. Ponnupandi

... Petitioners/
Defendants 2 and 3

Vs

1.Pandiammal

... Respondent/
Plaintiff

Arumugam (died)

2.Rajeswari @ Muniammal

3.Mareeswari

... Respondents/
defendants 4&5

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and ex order dated 21.03.2025 passed in IA No.3/2025 in O.S.No.29/2018 on the file of the Subordinate Judge, Virudhunagar.



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For Petitioners : Ms.P.Malini

COMMON ORDER

The civil revision petition is filed against the fair and ex order dated 21.03.2025 passed in IA Nos.3 and 4/2025 in O.S.No.29/2018 on the file of the Subordinate Judge, Virudhunagar.

2. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioners is that the petitioners are the defendants 2 and 3 in OS No.29/2018. The first respondent, who is the sister of the plaintiff, filed the suit for declaration declaring that the settlement deed/document executed by the first defendant in favour of the defendants 2 and 3 is null and void. The petitioners completed chief and cross examination and after chief and cross examination of P.W.1, the petitioners filed IA Nos.3 and 4/2025 to reopen the evidence of P.W.1 for further cross-examination for the treatment given to P.W.1's father for his



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ailment. Since the petitioners are in Chennai, they were not able to instruct their counsel to further cross-examine P.W.1. For obtaining the medical records for the aforesaid treatment undergone by the petitioner's father and the nature of ailment, the cross-examination of P.W.1 is necessary and hence, the petitioners filed I.A.Nos.3 and 4 of 2025. However, the said petitions were dismissed as not maintainable on the ground that since the petitioners herein are also the legal heirs of the deceased, the petitioners could have known the medical treatment undergone by their father. P.W.1/plaintiff deposed during cross-examination that their father suffered illness and took treatment at MMHRC for ten days and Thiruvengadam Hospitals for three months. Challenging the said dismissal order, the petitioners are before this Court.

4. The learned counsel for the petitioners would submit that since the petitioners were in Chennai owing to their avocation, they could not thoroughly cross-examine P.W.1 and hence, it is necessary to cross-examine P.W.1 towards the medical treatment given to their father. Hence, prays for interference.



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5. Heard the learned counsel for the petitioners and I have also perused the materials available on record.

6. The petitioners/defendants and the first respondent/plaintiff are the legal heirs of the deceased Arumugam. It is alleged that, the petitioners' father executed a settlement deed in favour of the petitioners and the same was questioned by the plaintiff before the trial Court. Though the first respondent alleged that her father took treatment in the hospital, for which, the petitioners herein want to cross-examine P.W.1, it is for the respondent/plaintiff to prove the case before the trial Court. However, it is the case of the plaintiff that since the petitioners are her brothers and the legal heirs of the deceased father and if they have any questions, they could examine the concerned doctors. When the petitioners have already cross-examined P.W.1 and the burden to prove the medical treatment given to their father is on the plaintiff, the trial Court rightly dismissed the interlocutory applications as they are not maintainable. Hence, the orders passed in the interlocutory applications need not be interfered with.



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7. Accordingly, the Civil Revision Petitions stand dismissed.

However the trial Court is directed to dispose of the suit without being influenced by any of the observations made hereinabove. No costs.

Consequently connected Miscellaneous Petition is closed.

09.06.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Subordinate Judge, Virudhunagar

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.1624 and 1625 of 2025**

Date : 09/06/2025