



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD).(MD).Nos.1703 & 1704 of 2025

and

C.M.P.(MD).No.9130 of 2025

C.R.P.(PD)(MD).No.1703 of 2025

E.Chellathai

...Petitioner

Vs.

V.Rajkumar

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 15.04.2025 passed in I.A.No.11 of 2025 in O.S.No.17 of 2005 on the file of the learned Sub Judge, Kovilpatti.

For Petitioner : Mr.S.Kadarkarai

For Respondent : Ms.R.M.Bhuvaneswari

C.R.P.(PD)(MD).No.1704 of 2025

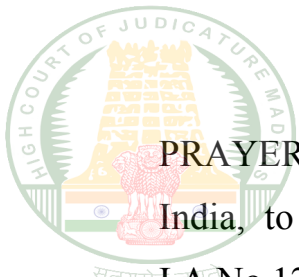
E.Chellathai

...Petitioner

Vs.

V.Rajkumar

...Respondent



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 15.04.2025 passed in I.A.No.12 of 2025 in O.S.No.17 of 2005 on the file of the Sub Judge, Kovilpatti.

For Petitioner : Mr.S.Kadarkarai

For Respondent : Ms.R.M.Bhuvaneswari

* * * * *

COMMON ORDER

These petitions have been filed seeking orders to set aside the fair and decreetal orders dated 15.04.2025 passed in I.A.Nos.11 and 12 of 2025 in O.S.No.17 of 2005 on the file of the learned Sub Judge, Kovilpatti.

2. The respondent herein filed a suit in O.S. No.17 of 2005 seeking partition against the petitioner and others before the learned Sub Judge, Kovilpatti. During the pendency of the suit, the petitioner filed an application in I.A. No.11 of 2025 to recall P.W.1 for cross-examination and to mark certain relevant documents from previous Court proceedings in the said suit. Subsequently, the petitioner filed another application in I.A. No.12 of 2019 to reopen the case in O.S. No.17 of 2005. Both applications were dismissed on 15.04.2025 by the learned Sub Judge, Kovilpatti. Aggrieved by the said orders, the present Civil Revision Petitions have been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the 10th defendant in O.S. No.17 of 2005. The respondent/plaintiff filed a suit for partition in O.S. No.17 of 2005 before the learned Sub Judge,

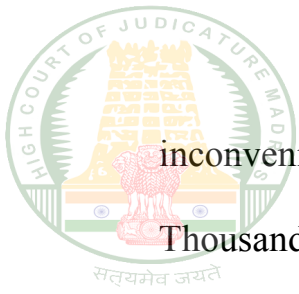


Kovilpatti. After the cross-examination of P.W.1, certain documents came into the possession of the petitioner. Hence, the petitioner filed an application under

Order XVIII Rule 17 of the Code of Civil Procedure to recall P.W.1 for the purpose of marking those documents and to further cross-examine him. Subsequently, the petitioner filed another application seeking to reopen the case in O.S. No.17 of 2005. However, the trial Court dismissed both applications on the ground that the petitioner can very well mark the documents during his examination as a defence witness. The learned counsel would further submit that, in view of any inconvenience caused to the respondent, the petitioner is willing to pay reasonable costs as may be imposed by this Court.

4. The learned counsel appearing for the respondent would submit that it is not necessary for the petitioner to mark the documents through P.W.1, as he can very well mark the same by examining himself as a witness before the trial Court.

5. Considering the facts and circumstances of the case, it is noted that the suit is of the year 2005. There is no adverse effect on the interest of the petitioner, and in fact, it is for P.W.1 to establish the case before the trial Court, in which the petitioner is entitled to mark the documents along with the other parties. However, since P.W.1 has already been cross-examined, summoning him again would cause inconvenience. Therefore, to compensate for such



inconvenience, this Court is inclined to fix a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs, payable to the respondent/plaintiff. Accordingly, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondent/plaintiff on or before 30.06.2025. Upon receipt of the said amount, P.W.1 is directed to appear before the trial Court on 03.07.2025, on which date the petitioner shall cross-examine the said witness. If the witness is not cross-examined on the said date, the trial Court is directed to close the evidence and proceed with the matter in accordance with law.

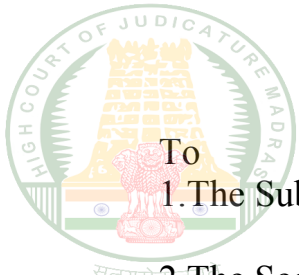
6. The respondent/plaintiff is granted liberty to offer clarification or make submissions with respect to the documents produced by the petitioner/10th defendant.

7. In view of the above, the fair and decreetal orders dated 15.04.2025 passed in I.A.Nos.11 and 12 of 2025 in O.S.No.17 of 2005 on the file of the learned Sub Judge, Kovilpatti are hereby set aside.

8. Accordingly, the Civil Revision Petitions stand allowed. No costs. Consequently, the connected miscellaneous petition is closed.

23.06.2025

Internet: Yes/No
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To

1.The Sub Judge, Kovilpatti.

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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