



C.R..P.(MD).Nos.2136 and 2137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)Nos.2136 and 2137 of 2025
and
CMP (MD) No.12452 of 2025

Kannan

... Petitioner
(in both revision petitions)

Vs.

Chandrasekar

... Respondent
(in both revision petitions)

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 20.03.2025 made in I.A.Nos.9 and 10 of 2025 in O.S.No.405 of 2022 on the file of the learned Principal Subordinate Court, Nagercoil and allow these Civil revision Petitions.

For Petitioner : Mr.SC.Herold Singh
(in both revision petitions)

For Respondent : Mr.N.S.Ramakrishna Dass
(in both revision petitions)



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COMMON ORDER

These Civil Revision Petitions have been filed seeking to set aside the fair and decreetal order dated 20.03.2025 made in I.A.Nos.9 and 10 of 2025 on the file of the Principal Subordinate Court, Nagercoil and to allow these Civil revision Petitions.

2. The revision petitioner is the defendant in O.S.No.405 of 2022 filed for recovery of a sum of Rs.6,06,589/- from the date of the suit till realization, on the principal sum of Rs.5,35,000/-, from the assets of the defendant. During the course of the proceedings, the petitioner filed I.A.Nos. 9 and 10 of 2025 seeking to re-open and recall the witness, respectively. The said applications were allowed on the condition that the petitioner deposit a sum of Rs.1,24,954/- before the Principal Subordinate Court, Nagercoil. Aggrieved by the said condition, the petitioner has filed these civil revision petitions.



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3. The learned counsel for the revision petitioner/defendant would submit that due to the non-appearance of the petitioner before the trial Court, the Court closed the evidence of the petitioner. Consequently, the petitioner filed I.A.Nos.9 and 10 of 2025 seeking to re-open and recall the witness. Though the said applications were allowed, it was subject to the condition that a sum of Rs.1,24,954/- be paid by the petitioner. He would further submit that a fair opportunity must be given to the petitioner to adduce his evidence and that the evidence was closed solely due to the non-appearance of the petitioner on that particular day. However, the stringent condition imposed by the trial Court is onerous. Accordingly, the learned counsel for the petitioners prays to allow the present revision petition.

4. Per contra, the learned counsel appearing for the respondent/plaintiff would submit that the petitioner has filed a written statement before the trial Court, wherein, it was specifically admitted that a sum of Rs.1,24,954/- was due. Based on this admission, the trial Court imposed the condition to deposit the said amount. Therefore, the interference of this Court is not warranted.



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5. Heard the learned counsel for the parties and perused the materials available on record.

6. Considering the submissions made by both parties and the materials placed on record, this Court finds that the trial Court imposed the condition to deposit a sum of Rs.1,24,954/- based on the admission made by the petitioner in the written statement. The said condition cannot be considered either arbitrary or unreasonable and accordingly, this Court does not find any infirmity in the order passed by the trial Court.

7. Accordingly, these civil revision petitions are disposed of with the following directions:

(i) The revision petitioner shall deposit a sum of Rs.1,24,954/- before the trial Court within a period of two weeks from the date of receipt of a copy of this order;

(ii) Upon such deposit, the trial Court shall reopen the evidence and permit the petitioner to examine himself;

(iii) The respondent/plaintiff shall be entitled to cross-examine the



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petitioner;
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(iv) The trial Court shall not disburse the deposited amount till the final disposal of the suit.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

04.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PKN

To

1.The Principal Subordinate Court, Nagercoil.

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



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M.DHANDAPANI,J.

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