

C.R.P.(MD)Nos.1942 to 1945 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)Nos.1942 to 1945 of 2025

and

C.M.P(MD) Nos.11147, 11149, 11151 and 11153 of 2025

C.R.P(MD) No.1942 of 2025:

V.Selvi

... Revision Petitioner/
Respondent/Defendant

Vs.

V.Sonaimuthu
S/o. Vedappan,
Represented his Power Agent and wife,
Anusiya, Pudukkulam Village,
Vempattur Post,
Michealpattanam,
Sivagangai Taluk and District.

... Respondent/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.04.2025 in I.A.No.2 of 2025 in O.S.No.266 of 2020 on the file of learned Sub Judge, Sivagangai.

C.R.P(MD) No.1943 of 2025:

V.Selvi

... Revision Petitioner/
1st Respondent/
1st Defendant

Vs.



C.R.P.(MD)Nos.1942 to 1945 of 2025

1. V.Kannan,
S/o. Velusamy,
Represented his Power Agent and wife,
K.Indira, 5/28, Melur Road,
Kamarajar Colony,
Sivagangai Town and Taluka,
Sivagangai District.

... 1st Respondent/Petitioner/
Plaintiff

2. Dhanalakshmi

... 2nd Respondent/
2nd Respondent/
2nd Defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.04.2025 in I.A.No.6 of 2025 in O.S.No.52 of 2019 on the file of learned Sub Judge, Sivagangai.

C.R.P(MD) No.1944 of 2025:

V.Selvi

... Revision Petitioner/
1st Respondent/
1st Defendant

Vs.

1. V.Kannan,
S/o. Velusamy,
Represented his Power Agent and wife,
K.Indira, 5/28, Melur Road,
Kamarajar Colony,
Sivagangai Town and Taluka,
Sivagangai District.

... 1st Respondent/Petitioner/
Plaintiff

2. Dhanalakshmi

... 2nd Respondent/
2nd Respondent/
2nd Defendant



C.R.P.(MD)Nos.1942 to 1945 of 2025

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.04.2025 in I.A.No.7 of 2025 in O.S.No.52 of 2019 on the file of learned Sub Judge, Sivagangai.

C.R.P(MD) No.1945 of 2025:

V.Selvi

... Revision Petitioner/
Respondent/Defendant

Vs.

V.Sonaimuthu
S/o.Vedappan,
Represented his Power Agent and wife,
Anusiya, Pudukkulam Village,
Vempattur Post,
Michealpattanam,
Sivagangai Taluk and District.

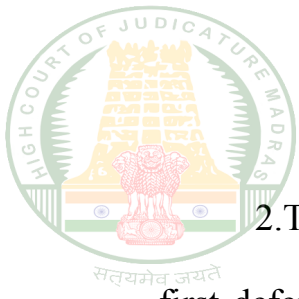
... Respondent/Petitioner/
Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.04.2025 in I.A.No.3 of 2025 in O.S.No.266 of 2020 on the file of learned Sub Judge, Sivagangai.

For Petitioner : Mr.V.R.Shanmuganathan
(in all C.R.Ps)

COMMON ORDER

These Civil Revision Petitions are filed challenging the orders dated 22.04.2025 in I.A.Nos.2, 6, 7 and 3 of 2025 in O.S.Nos.52 of 2019 and 266 of 2020, respectively on the file of learned Sub Judge, Sivagangai.

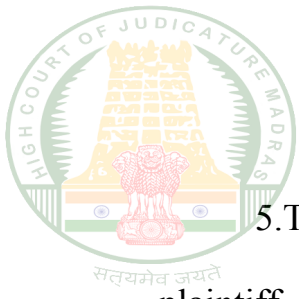


2.The petitioner in all these Civil Revision Petitions is the defendant and first defendant in the respective suits in O.S.Nos.52 of 2019 and 266 of 2020.

The plaintiff filed the suits for declaration and permanent injunction. After closing the evidence on the side of the defendants, the plaintiff filed applications in I.A.Nos.2, 3, 6 and 7 of 2025 for reopening and cross examination of defendant's side witnesses under Order XVI Rule 2 and Section 151 of CPC. The said applications were allowed. Challenging the same, these Civil Revision Petitions are filed.

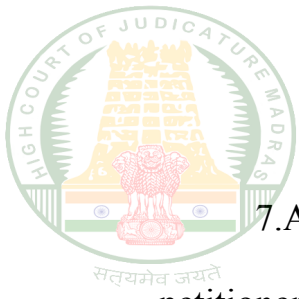
3.The learned counsel for the petitioner would submit that the present applications are filed by the petitioner on the sole ground that the petitioner has not given correct answer while he was examined as D.W.1 and hence, the husband of the petitioner has to be examined as one of the witnesses. The petitioner contends that the husband of the petitioner is aged about 68 years and he is having some hearing ailments, hence, he might not be able to respond to the questions posed to him. Even then, the trial Court has allowed the applications filed by the plaintiffs and the same is not sustainable.

4.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.



5.The facts in the present case are not in dispute. Admittedly, the plaintiff in the original suits filed the present interlocutory applications for reopening the evidence on the side of the defendant and cross examine the husband of the petitioner as one of the witnesses. Admittedly, the disputed document relied upon by the plaintiff stands in the name of the husband of the petitioner, namely R.Vijayakumar. Hence, the applications filed by the plaintiff for summoning the husband of the petitioner were allowed.

6.The claim of the petitioner is that her husband is having some hearing ailments and there might be some impediments in cross examining him. If really the petitioner's husband is having some hearing problem, it has to be ventilated before the trial Court by way of seeking assistants or interpreters while cross examining him in respect of the alleged document stands in his name. Instead, the petitioner cannot oppose for cross examining her husband as one of the witnesses. Therefore, this Court is not inclined to interfere with the just and reasonable order passed by the trial Court. However, considering the fact that the suits are of the year 2019 and 2020, respectively, the trial Court is directed to dispose of the suits on merits and in accordance with law within a period of one year from the date of receipt of a copy of this order.



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7. Accordingly, these Civil Revision Petitions are dismissed. The petitioner is at liberty to seek for any assistants or interpreters while cross examining the husband of the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.07.2025

Index : Yes/No
Internet : Yes / No
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To

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



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M.DHANDAPANI,J.

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22.07.2025