



CRP(MD). No.1956 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 21/07/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.1956 and 1968 of 2025
and CMP(MD) No.11239 of 2025**

E.Chellathai

... Petitioner in
both petitions.

Vs

Venkatasamy

... Respondent in
both petitions.

PRAYER :- Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order dated 06.06.2025, passed in I.A.Nos.13 and 14 of 2025 in O.S.No.17 of 2005 on the file of Subordinate Judge, Kovilpatti.

For Petitioner : Mr.S.Kadarkarai

For Respondent : Mr.M.Suresh



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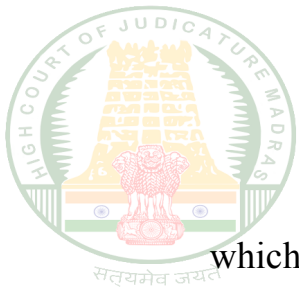
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COMMON ORDER

Since the issue in both the petitions and the parties are one and the same, they were taken up together and heard and disposed of by this common order.

2. The Civil Revision Petitions are filed against the order dated 06.06.2025 made in IA Nos.13 and 14 of 2025 in OS No.17 of 2005, on the file of the Subordinate Judge, Kovilpatti.

3. The petitioner is the 10th defendant in OS No.17/2005 and he purchased the property from the father of the plaintiff, namely, first defendant. Earlier PW1 was not properly cross-examined, therefore, the petitioner filed IA Nos.11 and 12/2025 and the same were dismissed, against which, the petitioner filed CRP(MD) Nos.1703 and 1704 of 2025 and this Court allowed those civil revision petitions setting aside the orders of the trial Court. Now, the orders impugned in the present petitions are dated 06.06.2025 in IA Nos.13 and 14 of 2025, in and by

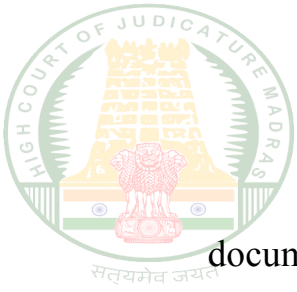


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which, the prayer that has been sought for reopening and recalling D.W.1 came to be dismissed. Aggrieved by the same, the petitioner is before this Court with these petitions.

4. The learned counsel for the petitioner would submit that after cross-examination of D.W.1, certain vital questions were left to be examined on the basis of some of the documents. Hence, the petitioner filed an application under Order XVIII Rule 17 r/w Section 151 of the Code of Civil Procedure to recall and reopen D.W.1 for the purpose of cross-examination. The trial Court, however, dismissed both the applications on the ground that already D.W.1 was cross examined at length and the averments made in the affidavit is not acceptable for cross-examination of D.W.1 again. The learned counsel therefore prays for interference and 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 cross-examine based on some



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documents as she has already cross-examined.

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5. Considering the facts and circumstances of the case, it is noted that the suit is of the year 2005 and by cross-examining D.W.1, no prejudice would be caused to anyone and in fact, it is for P.W.1 to establish the case before the trial Court. However, since D.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.5,000/- (Rupees Five Thousand only) as costs, payable to the respondent/plaintiff. Accordingly, the petitioner is directed to pay a sum of Rs.5,000/- (Rupees five Thousand only) to the respondent/plaintiff on or before 22.07.2025. Upon receipt of the said amount, D.W.1 is directed to appear before the trial Court either on 22.07.2025 or any subsequent date, 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.



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7. In view of the above, the Civil Revision Petitions stand allowed and the fair and decreetal orders dated 06.06.2025 passed in I.A.Nos.13 and 14 of 2025 in O.S.No.17 of 2005 on the file of the learned Sub Judge, Kovilpatti are hereby set aside. Since the suit is of the year 2005, the trial Court shall take every endeavour to dispose of the suit as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

21.07.2025

NCC : Yes/No
Index : Yes/No
RR

Office to Note: Order Copy on 22.07.2025.

TO

1.The Subordinate Judge, Kovilpatti.

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) Nos.1956 and 1968 of 2025**

Date : 21/07/2025