



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 05.08.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE M.DHANDAPANI**

**C.R.P.(MD)No.2069 of 2025**

**and C.M.P.(MD).No.12040 of 2025**

Thangaraj

...Petitioner

Vs.

Arukkani

...Respondent

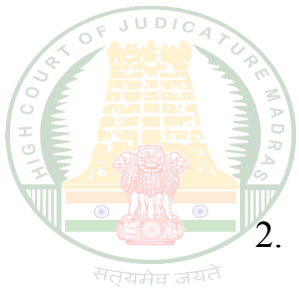
**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records pertaining to the impugned order dated 20.06.2025 made in I.A.No.4 of 2024 in O.S.No.315 of 2014 on the file of the Principal Sub Court, Karur and set aside the same by allowing the present Civil Revision Petition.

For Petitioner : Mr.J.Sathiaraj

For Respondents : Mr.N.Kamesh

**ORDER**

This petition has been filed to set aside the impugned order dated 20.06.2025 made in I.A.No.4 of 2024 in O.S.No.315 of 2014 on the file of the Principal Sub Court, Karur.



2. The respondent herein filed O.S.No.315 of 2014 before the learned Principal Sub Judge, Karur, seeking reliefs of permanent injunction, partition, and mesne profits. Pending the suit, the petitioner/defendant filed I.A.Nos.3 and 4 of 2024 to reopen and recall the evidence of DW1 for the purpose of marking certain additional documents, which had been listed in the additional written statement dated 20.01.2023. The trial Court, by a common order dated 20.06.2025, dismissed both interlocutory applications. Aggrieved thereby, the present revision petition is filed.

3. The learned counsel for the petitioner submitted that earlier, the petitioner filed I.A.No.2 of 2024 seeking leave to file an additional written statement. The trial Court allowed the said application, and the additional written statement dated 20.01.2023 was filed along with twelve additional documents. Thereafter, the petitioner filed I.A.Nos.3 and 4 of 2024 to reopen and recall DW1 to mark those documents. The suit being a partition suit pending since 2014, it is essential, according to the petitioner, to allow such applications to ensure complete adjudication on merits. The trial Court's refusal is argued to be unjustified.

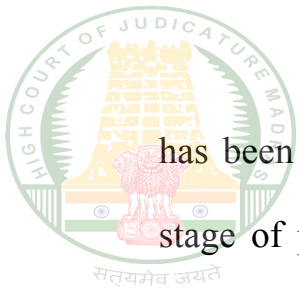
4. The learned counsel for the respondent submitted that the petitioner has repeatedly delayed the proceedings. The respondent's counsel drew



attention to the procedural history. In 2016, the petitioner filed I.A.No.449 of 2016 to commence defendant's evidence first; it was allowed. The matter was posted for defendant's evidence on 04.01.2018 and 17.04.2018, but the petitioner failed to appear. The suit was posted for pronouncement of judgment on 27.07.2018, when the petitioner filed I.A.Nos.495 and 496 of 2018; these were allowed, yet the petitioner again failed to appear. An exparte order was passed, later set aside on I.A.No.284 of 2019 subject to costs of ₹5,000. Thereafter, the defendant's evidence was concluded, and the case was again listed for judgment. At that stage, the present applications to reopen and recall DW1 were filed only to delay the conclusion of the suit. It is thus argued that the trial Court rightly dismissed the applications, and no interference is warranted.

5. The scope of interference under Article 227 is limited to cases where the order under challenge suffers from patent illegality, procedural irregularity, or perversity. The trial Court's discretion in matters of allowing or rejecting applications for reopening and recalling witnesses is ordinarily not to be disturbed unless exercised arbitrarily or contrary to law.

6. In the present case, the chronology of events reveals that the petitioner has had multiple opportunities to present evidence and has, on earlier occasions, secured orders to reopen the matter but failed to utilise them diligently. The suit



has been pending for over a decade (since 2014) and has already reached the stage of pronouncement of judgment more than once. While the marking of additional documents can be permitted if it is necessary for a just decision, such permission cannot be claimed as a matter of right at the final stage after repeated adjournments and procedural indulgences. The trial Court, after noting the petitioner's conduct and the prolonged pendency of the matter, found no sufficient cause to reopen the evidence.

7. This Court finds no perversity or material irregularity in the reasoning of the trial Court. The order is based on a factual assessment of the petitioner's repeated defaults and the need to avoid further delay in the adjudication of a suit already pending for eleven years.

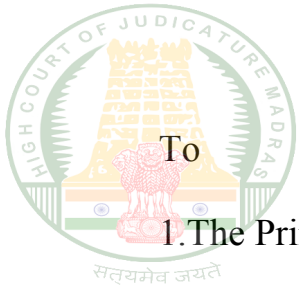
8. In view of the above discussion, this Civil Revision Petition fails and the same stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**05.08.2025**

Internet: Yes/No

Index: Yes/No

TSG



To

1.The Principal Sub Court, Karur.

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



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M.DHANDAPANI, J.

TSG

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