



CRP(MD). No.2335 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 26/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRP (MD). No.2335 of 2025
and CMP(MD) No.13997 of 2025

Thangaraj

... Petitioner

Vs

Arukkani

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to call for records pertaining to impugned order dated 20.06.2025 made in IA No.3 of 2024 in OS No.315 of 2014 on the file of Principal Sub Court, Karur and set aside the same.

For Petitioner : Mr.J.Sathiaraj

For Respondents : Mr.N.Kamesh

ORDER

The Civil Revision Petition is filed against the order dated 20.06.2025 made in IA No.3 of 2024 in OS No.315 of 2014 on the file of Principal Sub Court, Karur.



CRP(MD), No.2335 of 2025

2. The learned counsel for the petitioner would submit that the petitioner is the defendant in OS No.315/2014. The respondent herein filed the said suit for permanent injunction and for partition and other reliefs. Pending suit, the petitioner/defendant filed I.A.Nos.3 and 4 of 2024 to reopen and recall the evidence of DW1 for marking 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, against which, 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 and pending since 2014, it is essential, according to the petitioner, to allow such applications to ensure complete adjudication on merits.



CRP(MD), No.2335 of 2025

WEB COPY

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. 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. He would further submit that earlier the very same petitioner filed CRP(MD) No.2069/2025 against IA No.4/2024, which was filed for recall of DW1 and that civil revision petition came to be dismissed.



CRP(MD), No.2335 of 2025

WEB COPY

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. It is to be seen that the very same petitioner has filed CRP(MD) No. 2069/2025 against the dismissal of recall petition. Once the petition challenging the dismissal of recalling DW1 is dismissed by this Court vide order dated 05.08.2025, there is no scope for reopening DW1. Therefore, on the simple ground, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

26.08.2025

NCC : Yes/No

Index : Yes/No

RR

To

- 1.The Principal Sub Court, Karur
- 2.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRP(MD), No.2335 of 2025

M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2335 of 2025**

Date : 26/08/2025