



CRP(MD). No.3645 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD). No.3645 of 2025

and

CMP(MD) No.19297 of 2025

1.Renjitham

2.Durairaj

3.Paul Raj

4.Thangadurai

5.Chandrakala

6.Murugan

... Petitioners

Vs

A.Clain

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decretal order dated 11.09.2025 in I.A.No.7 of 2025, in O.S.No.97 of 2022 on the file of the Learned Principal District Munsif, Nagercoil and to set aside the same.

For Petitioners : Mr.V.Sasi Kumar



CRP(MD). No.3645 of 2025

WEB COPY

ORDER

This Civil Revision Petition has been filed challenging the order dated 11.09.2025 made in I.A.No.7 of 2025, in O.S.No.97 of 2022 on the file of the learned Principal District Munsif, Nagercoil.

2.The respondent/plaintiff had filed a suit in O.S.No.97 of 2022 on the file of Principal District Munsif Court, Nagercoil, seeking a declaration that a registered sale deed, bearing Doc.No.4285 of 2010, dated 27.12.2010, of the Rajakkamangalam Sub Registrar, is null and void, non-est, unenforceable and not binding on the respondent/plaintiff along with consequential reliefs.

3.During the course of trial, the petitioners/defendants had filed an application in I.A.No.7 of 2025 to recall P.W1, contending that certain additional information has to be clarified and for marking of documents. The trial Court considering the facts and circumstances of the case had dismissed the said application on 11.09.2025. Challenging the same, the petitioners/defendants have filed the present Criminal Revision Case.



CRP(MD). No.3645 of 2025

WEB COPY

4.The learned counsel for the petitioners/defendants would further submit that part of the cross-examination of P.W1 has already been over and on 01.02.2025, when the case was listed for further cross-examination of P.W1, since the petitioners' trial Court advocate appeared before the Principal Subordinate Court at Tirunelveli in some other case, he could not able to cross-examine the P.W1 on the said date. However, without considering the nature and stage of the suit, the learned trial Judge closed the evidence on the side of P.W.1. He would further submit that if the suggestions are not permitted to be put, the petitioners would be put to irreparable loss, as he could not able to dislodge the evidence of P.W.1. He submits that the learned trial Judge, without considering the hardship that would be caused to the petitioners, dismissed the petition. Hence, he seeks indulgence of this Court to set aside the order impugned in this Civil Revision Petition.

5.I have considered the submissions made by the learned counsel for the petitioner.



CRP(MD). No.3645 of 2025

6.From the order impugned herein, it is evident that sufficient opportunities have already been given to the petitioners/defendants to cross-examine as also to further cross-examine P.W1. It is also evident that after the respondent's/plaintiff's side evidence was closed on 27.06.2024, the petitioners/defendants filed petitions in I.A.No.5 and 6 of 2024 to reopen the plaintiff's side evidence and to recall P.W1 for cross-examination, which were also allowed on 28.10.2024. Then, P.W1 was present on several occasions and was also cross-examined. After a period of one year from the date of completion of cross-examination of P.W1, the petitioners/defendants once again filed I.A.No.7 of 2025 to recall P.W1 for further cross-examination and when the case was listed on 01.02.2025, on which date also P.W.1 was present, the trial Court advocate's failed to cross examine P.W.1. Hence, the Court below had dismissed the petition, vide order dated 11.09.2025, by holding that there is no merit in the petition, which does not warrant any interference of this Court.

7.Even though this Court is not inclined to set aside the order dated 11.09.2025 made in I.A.No.7 of 2025, in O.S.No.97 of 2022 on the file of



CRP(MD). No.3645 of 2025

the learned Principal District Munsif, Nagercoil, in the interest of justice and also considering the hardship that would be caused to the petitioners/defendants, this Court is of the view that the petitioners/defendants could be given a chance to cross-examine P.W1.

8. Accordingly, This Civil Revision Petition stands disposed of with a direction to the trial Court to conduct the cross-examination of P.W1 on 15.12.2025. If the petitioners/defendants either fail to cross-examine P.W1 or to co-operate for cross-examination of P.W1 on 15.12.2025, the trial Court is directed to proceed the matter in accordance with law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

03.12.2025

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Note : Issue order copy on 08.12.2025



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CRP(MD). No.3645 of 2025

N.SENTHILKUMAR, J.

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To

The Principal District Munsif, Nagercoil.

CRP(MD). No.3645 of 2025

03.12.2025

6/6