



WEB COPY



C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

Elumalai

... Petitioner (in both CRPs)

VS.

1.Indira

2.Kala

3.Sakunthala

... Respondents (in both CRPs)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the Fair Order and Decreetal Order dated 11.11.2025 passed by the II Additional District Court, Tindivanam in I.A.Nos.1 and 2 of 2025 in O.S.No.200 of 2024 and allow these Civil Revision Petitions.

For Petitioner : Mr.B.R.Sivasubramaniam
(in both CRPs)

For R1 to R3 : Mr.R.Agilesh
for M/s.T.Dhanasekaran
(in both CRPs)



WEB COPY



C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

COMMON ORDER

The Civil Revision Petitions are filed challenging the order passed by the II Additional District Court, Tindivanam in I.A.Nos.1 and 2 of 2025 in O.S.No.200 of 2024 dismissing the applications filed by the petitioner seeking to reopen the case and recall PW.1.

2. The respondents herein filed a suit for partition against the petitioner. The trial in the suit already commenced and the 2nd respondent was examined as PW.1. Now, the matter is posted for commencement of defendant's side evidence. At this stage, the petitioner/defendant filed the instant applications to reopen the case and recall PW.1. The said applications were dismissed by the Trial Court. Aggrieved by the same, the petitioner has come before this Court.

3. In the affidavit filed in support of these applications, it was stated by the petitioner that father of the petitioner obtained loan from Co-operative Bank and third parties and in respect of the same, the petitioner omitted to cross examine PW.1 and therefore, he shall be given an opportunity to recall PW.1 and cross examine her with regard to the loan transaction.

2/6



C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

WEB COPY

4. The Trial Court dismissed the applications on the ground that the petitioner was given sufficient opportunity to cross examine PW.1 and therefore, the instant applications are only a dilatory tactics.

5. It is seen from the impugned order, the suit is posted only for commencement of evidence on the side of the defendant. In the affidavit filed in support of the recall application, it is specifically stated by the petitioner that he wanted to put some question to the PW.1 with regard to the loan transaction entered into by his father.

6. In view of the same, this Court feels an opportunity shall be given to the petitioner to recall PW.1 and for further cross examination. Taking into consideration, the delay in filing these applications, this Court is inclined to impose a cost of Rs.2,000/- on the petitioner. The petitioner is further directed to complete the cross examination in a single hearing date.

7. Accordingly, the Civil Revision Petitions are allowed on condition that the petitioner shall pay a sum of Rs.2,000/- as costs to the respondents, within a period of one week from the date of receipt of copy of this order.

3/6



C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

The II Additional District Court, Tindivanam is directed to fix a date for

recall and further cross examination of PW.1, within a period of four weeks from the date of receipt of copy of this order. The petitioner shall complete the cross examination on a single hearing date. No costs. Consequently, the connected civil miscellaneous petition is closed.

06.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

To

The II Additional District Court,
Tindivanam.



WEB COPY



C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026
S.SOUNTHAR, J.

dm

C.R.P.Nos.206 and 207 of 2026
and C.M.P.No.839 of 2026

06.02.2026