



WEB COPY

CRP No. 310 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 28-01-2026**

CORAM

**THE HON'BLE MR.JUSTICE S. SOUNTHAR**

**CRP No. 310 of 2026 and**  
**CMP No. 1691 of 2026**

Karumanan Gounder

..Petitioner

Vs

1. Marayee
2. Valliyammal (A) Vasantha
3. Palaniyammal (A) Kannammal
4. Murugesan

..Respondents

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 13.11.2025 passed by the learned Sub Court, Paramathy, passed in IA No.8 of 2025 in OS No.55 of 2021.

For Petitioner:

Ms.Vennila  
for M/S.Vennila Law Firm

### **ORDER**

The civil revision petition is filed challenging the order passed by the trial court dismissing the application filed by the petitioner seeking to re-open the case.



2. The petitioner herein filed a suit seeking declaration and injunction against the respondents in OS.No.55 of 2021 on the file of Sub-Court, Paramathi. The said suit was taken up for trial along with the suit filed by the respondents in OS.No.78 of 2023, simultaneously, as the suit property was one and the same. The trial in the suit was already over and the same was posted for arguments. At this stage, the petitioner/plaintiff filed two applications seeking to re-open the case and to issue summon to first defendant to appear before the court as witness so as to enable the petitioner to cross-examine her. The said applications were dismissed by the trial court. Aggrieved by the same, the petitioner has come before this court. In fact, the petitioner in this revision challenged the dismissal of petition for reopening of the case.

3. If the respondents/ defendants failed to examine first defendant as their witness, the petitioner, as an opposite party, cannot compel the respondents to examine first defendant. However, if the petitioner thinks certain material facts relating to the suit is within the personal knowledge of the first defendant and she failed to appear before the Court as a witness, the petitioner is entitled to argue regarding first defendant's failure to enter into the box and request the Court to take adverse inference. However, the petitioner is not entitled to compel the opposite party to appear as a witness to enable him to cross-examine the said witness. The trial court rightly appreciated the legal position and dismissed the application. I do not find any error in the impugned order passed



by the trial court. Accordingly, the civil revision petition stands dismissed.

Consequently, the connected miscellaneous petition is closed. No costs.

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**28-01-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Sub Court,  
Paramathy



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**S.SOUNTHAR J.**

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