



WEB COPY

CRP No. 648 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 648 of 2026

and

CMP.No.3506 of 2026

1. Suriyanarayanan
S/o.Govindarajan Devar No.3A1,
Kailasanadhar Sannathi Street
Mannargudi Thiruvarur District

2.Vishnuvarathan
S/o.Suriyanarayanan No.3A1,
Kailasanadhar Sannathi Street
Mannargudi Thiruvarur District

Petitioner(s)

Vs

1. Kanagavalli
w/o.Ramachandiran NO.239c, Bharathi
Nagar Vengikal Polur Road
Tiruvannamalai District

2.Vijayalakshmi
W/o.Chandirasekaran No.7, Rajaraja
Nagar Asesham Heera Garden
Mannargudi Thiruvarur District

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the fair and final order dt. 06.12.2025 made in IA No.4/2025 in OS No.40/2022, passed by the Sub Court, Mannargudi.



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For Petitioner(s): Mr.B.Jawahar

For Respondent(s):

ORDER

The petitioners have filed this Civil revision petition to set aside the fair and final order dated 06.12.2025 made in IA No.4/2025 in OS No.40/2022 passed by the Subordinate Court, Mannargudi.

2. The learned counsel for the petitioners submitted that before the trial Court, an application was filed to recall D.W.1 immediately after the completion of the chief examination in order to mark a document, namely a registered Will of the year 1967 standing in the name of the grandmother, pertaining to the B-schedule property. However, the learned trial Judge dismissed the said petition with costs.

3. On a perusal of the records, it is seen that the trial had already commenced and the chief examination of D.W.1 had been completed. Thereafter, D.W.1, who is the son of the first defendant and is also the second defendant, filed applications to reopen and recall the witness in the relevant I.A. Nos. 3 & 5 of 2025 in O.S.No.40 of 2022. However, the same were dismissed by the learned trial Judge on the ground that the written statement had already been filed on 15.02.2023 and that no document had been produced even after



the completion of the chief examination of D.W.1. The learned trial Judge further held that the application was filed without assigning proper reasons and therefore dismissed the petition. Aggrieved by the same, the present Civil Revision Petition has been filed.

4. The learned counsel for the respondents pointed out that in paragraph No.3 of the written statement it has been specifically stated that, with regard to the B-schedule property, the defendants' maternal grandmother, Dhanalakshmi, had executed a Will in the year 1967 in favour of the defendants, registered as Document No.13 of 1967. In order to prove the same, the defendants intended to produce the said Will and related documents during trial, but the same was not properly appreciated by the Court below.

5. Considering the order passed by the learned trial Judge, it is seen that the suit is of the year 2022 and the trial commenced in July 2025. The defendants entered appearance and D.W.1 was examined on 05.08.2025. Since the first defendant was not well, his son, the second defendant, was examined as D.W.1. Thereafter, the matter was adjourned for cross-examination in October 2025. At that stage, the petitioner came forward with the present application. However, the learned trial Judge held that the application had been filed only to evade and delay the proceedings and dismissed the same.



6. On perusal of the written statement, it is evident that the defendants had already referred to the Will of the year 1967 in paragraph No.3 of the written statement. Therefore, in order to prove their defence, the defendants sought to mark the said document along with other relevant documents during the course of the trial.

7. However, the learned trial Judge failed to take note of the defence raised by the defendants in the written statement. If an opportunity is not granted to mark the said document, the valuable right of the defendants to prove their defence would be defeated. Hence, this Court finds that the order passed by the learned trial Judge was made in a hurried manner without proper application of mind and is therefore liable to be set aside.

8. Accordingly, this Civil Revision Petition is allowed. Consequently, connected Miscellaneous petition is closed. No costs.

9. The defendants are directed to cooperate with the trial proceedings. The relevant I.A.No.4 of 2025 in O.S.No.40 of 2022, is allowed, granting opportunity to both parties. Liberty is also granted to the plaintiff to file a reply



statement, if any, in respect of the documents produced by the defendants. The learned trial Judge is directed to provide opportunity to both parties and conduct the trial in accordance with law.

06-04-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

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2.Vijayalakshmi
W/o.Chandirasekaran No.7, Rajaraja
Nagar Asesham Heera Garden
Mannargudi Thiruvarur District.

3.The Subordinate Court, Mannargudi.

4. The Section Officer, VR section,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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