



WEB COPY

CRP No. 1123 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1123 of 2026

and

CMP.No.5886 of 2026

1. C.Kondasamy
S/O. Malakondaiah, No.28/32,
Alangatha Pillai Street, Triplicane,
Chennai - 600005.

Petitioner(s)

Vs

1. N.Lalitha Natrajan
W/o. K.Natrajan, No.23/10, Flat G1, Sri
Rama Mani Valli Flats, Subramania
Nagar 1st Street, Rangarajapuram,
Kodambakkam, Chennai - 600024.

Respondent(s)

PRAYER

To set aside the fair and decreetal order dt. 08.01.2026 in I.A. No. 4 of 2025 in OS No. 871 of 2023 passed by the Learned XVI Additional Judge, City Civil Court at Chennai.

For Petitioner(s): MR.R Abdul Mubeen

For Respondent(s): MR.K.Harishankar

ORDER

Challenging the impugned order passed by the trial court in I.A. No. 4 of 2025 in O.S.No.871 of 2023, the defendant has preferred this revision.



2. Before the trial court, the defendant filed an application to examine the husband of the plaintiff as a defence witness. However, after hearing both sides, the trial court dismissed the application, holding that the husband of the plaintiff is aged about 89 years and that the defendant, who is a tenant of the property, has not stated any bona fide reason for examining the said witness. Aggrieved by the same, the present revision has been filed.

3. The learned counsel for the revision petitioner submitted that the husband of the plaintiff had borrowed a loan, and in proof of that, a receipt was issued. Therefore, it is necessary to examine the husband of the plaintiff.

4. The learned counsel for the respondents submitted that, as on date, he is aged about 89 years, and the amount advanced by the defendant is not disputed. Hence, calling him as a witness is unwarranted.

5. At this stage, upon considering the submissions made on both sides, it is revealed that the plaintiff, being the owner of the property, has filed a suit in O.S. No. 871 of 2023 for recovery of possession and for damages. As on date, the defendant has contested the suit, the trial has commenced, and the defendant's side evidence has already been completed. Thereafter, the defendant filed the application to examine the husband of the plaintiff.



6. The learned counsel for the revision petitioner submitted that the loan transaction involving the husband of the plaintiff is a necessary fact to be proved before the trial court and that such opportunity was not given. However, considering the fact that there was a transaction between the parties and that, based on the usufructuary mortgage, the defendant is in possession of the property and further noting that the nature of the mortgage has already been confirmed in C.R.P. No. 204 of 2018, this Court is of the view that examining the husband of the plaintiff is unnecessary. Moreover, he is aged above 89 years. It is well settled that a witness cannot be compelled unnecessarily. Therefore, this Court is not inclined to interfere with the order of the trial court.

7. Admittedly, as on date, the plaintiff is aged above 89 years. This Court called upon the revision petitioner, the plaintiff, and the defendant to appear for the purpose of settlement. However, they are not inclined to settle the issue, which indicates that the property involved is of high value and revision petitioner had a eye over the property want to grab, which is not permissible under law, even conduct of the party also taken note of by this Court.

8. Considering the age of the plaintiff, the trial court is directed to dispose of the case within a period of 8 weeks, without granting unnecessary adjournments. However, liberty is granted to the defendant to seek adverse inference, if permissible in law.



9. In view of the above, this Civil Revision petition is disposed of.

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

01-04-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.N.Lalitha Natrajan
W/o. K.Natrajan, No.23/10, Flat G1, Sri
Rama Mani Valli Flats, Subramania
Nagar 1st Street, Rangarajapuram,
Kodambakkam, Chennai – 600024.

2. The XVI Additional Judge, City Civil
Court, Chennai.

3. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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