Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.1393 of 2024
and
C.M.P.No.7447 of 2024

CNR: {HCMA010457582024}

S.P.A.Sait @ Shajahan
S/o.Abdul Rahman

..Petitioner

Vs

1. C.Chidambaram
   S/o.N.Chinnappan

   N. Makali (Died)

2. M.Gowri
   W/o.Makali

3. M.Vijayakumar
   S/o.Makali

4. M.Sivakumar
   W/o.Mahali

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking against fair and final orders dated 19.01.2024 passed in I.A.No.9 of 2024 in O.S.No.361 of 2009 on the file of the District Munsif Court, Tirupur.

For Petitioner : Mr.K.Sudhakar

For Respondents : Ms.Shruthivarshini
for Mr.I.Abrar Md Abdullah [R1]

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This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 19.01.2024 passed in I.A.No.9 of 2024 in O.S.No.361 of 2009 on the file of the District Munsif Court, Tirupur, wherein the application filed by the petitioner/fifth defendant to recall PW-1 for further cross-examination came to be rejected by the Court below.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

3. The first respondent/plaintiff filed the suit for specific performance. The petitioner is the fifth defendant, who is said to have purchased the property from defendants 2 to 4. PW-1 was cross-examined on the side of petitioner/fifth defendant and since the cross-examination was not continued in spite of sufficient opportunity, the evidence of PW-1 was closed. In view of the same, I.A.No.9 of 2024 in O.S.No.361 of 2009 came to be filed by the petitioner seeking to recall PW-1 for further cross-examination.

4. The Court below dismissed the application mainly on the ground that sufficient opportunity was given to the petitioner and that the petitioner has elaborately cross-examined PW-1 on 01.11.2023 and 06.11.2023 and that the

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present application has been filed only with a view to drag on the proceedings. The reasons assigned by the Court below does not suffer from any perversity warranting interference of this Court. The petitioner/fifth defendant is said to have purchased the property even before the suit was filed. If PW-1 has been sufficiently cross-examined and the Court found that sufficient opportunity has been given to the petitioner to cross-examine PW-1 and considering the fact that the suit is of the year 2009, the finding rendered by the Court below cannot be held to be illegal warranting interference of this Court. It is further brought to the notice of this Court that the main suit itself has been listed on 16.11.2026 for passing final judgment.

In the result, the impugned order is sustained and the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28-10-2026

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

To
The District Munsif Court,
Tirupur.

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N.ANAND VENKATESH, J.

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Civil Revision Petition No.1393 of 2024

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