



WEB COPY

CRP No. 2384 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2380 of 2026

AND

CMP NO. 10253 OF 2026,CRP NO. 2384 OF 2026

1. Suryakala

W/o.Shanmugam, Rep by Power Agent
S.Rupesh Kumar, No.140, Elliamman
Koil Street, Mylapore, Chennai 600 004

Petitioner(s)

Vs

1. Muruvammal

W/o.Ezhumalai, No.352, MGR Street,
Kanathur, Reddikuppam,
Chengalpattu .

2.Parasuraman

Fathers name not known, Kanathur,
Reddikuppam, East Coast Road,
Chengalpattu Taluk, Kancheepuram
Dist.

Respondent(s)

CRP No. 2384 of 2026

1. Suryakala

W/o.Shanmugam, Rep by Power Agent
S.Rupesh Kumar, No.140, Elliamman
Koil Street, Mylapore, Chennai 600
004

Petitioner(s)

Vs

1. Muruvammal

W/o. Ezhumalai, No.352, M.G.R.
Street, Kanathur, Reddikuppam, East



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CRP No. 2384 of 2026



Coast Road, Chengalpattu Taluk,
Kancheepuram Dist.

Respondent(s)

CRP No. 2380 of 2026

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the fair and decreetal order of the District Munsif Court at Thiruporur dated 18.12.2024 in I.A.No.1 of 2024 in O.S.No.143 of 2023.

CRP No. 2380 of 2026

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the fair and decreetal order of the District Munsif Court at Thiruporur dated 25-02-2026 in I.A.No.4 of 2025 in O.S.No.143 of 2023.

For Petitioner(s): S.M.Sshriram Narayanan

For Respondent:

COMMON ORDER

The revision petitioner has filed these petitions to set aside the fair and decreetal order of the District Munsif Court, Thiruporur, dated 18.12.2024 in I.A.No.1 of 2024 in O.S.No.143 of 2023 and order dated 25-02-2026 in I.A.No.4 of 2025 in O.S.No.143 of 2023.

2. In C.R.P. No. 2380 of 2025:

Challenging the impugned order passed by the learned trial Judge in I.A. No. 1 of 2024 in O.S.No.143 of 2023, the plaintiff has preferred this revision.



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3. Before the trial Court, the petitioner filed an application to recall P.W.1, who is his mother, on the ground that her evidence had been closed without affording an opportunity to the defendants to cross-examine her. It is stated that the suit was dismissed for default on 21.04.2014 and subsequently restored on 12.09.2016. However, after restoration, no opportunity was given to cross-examine P.W.1, and her evidence remained closed. The trial Court dismissed the application without assigning proper reasons. Aggrieved by the same, the present revision has been filed.

4. The learned counsel for the revision petitioner submitted that at the time when the suit was dismissed for default, P.W.1 was very much available and had been examined in chief. However, after restoration of the suit, no opportunity was granted for cross-examination. He further contended that the present petitioner, being the son of P.W.1, had been duly authorized to conduct the case by virtue of a power of attorney, which had already been recognized by the trial Court in I.A. No. 831 of 2018.

5. Admittedly, after the chief examination of P.W.1, the suit was dismissed for default and later restored. In such circumstances, the trial Court ought to have afforded an opportunity to the defendants to cross-examine P.W.1. Closing her



evidence without such opportunity is erroneous.

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6. Therefore, the application filed to recall P.W.1 is sustainable, and the trial Court failed to properly appreciate the legal position. Accordingly, the order passed in I.A.No.1 of 2024 in O.S.No.143 of 2023, on the file of the District Munsif Court, Thiruporur, is set aside and the application is allowed. In view of the above, **CRP.No.2380 of 2026 is allowed.** No costs.

7. In C.R.P. No. 2380 of 2025:

The plaintiff has challenged the order passed in I.A.No.4 of 2025 in O.S.No.143 of 2023, on the file of the District Munsif Court, Thiruporur, whereby the trial Court permitted the first defendant to be represented through a power of attorney holder, namely his son.

8. The learned counsel for the petitioner contended that the son, being a power of attorney holder, is not competent to depose on behalf of the first defendant with respect to matters that are within the personal knowledge of the principal.

9. On the other hand, it is seen that the first defendant is aged and



suffering from illness, and therefore has executed a power of attorney in favour of his son. The suit is one for bare injunction. The son, who is residing with the first defendant, is competent to depose regarding facts within his personal knowledge.

10. In such circumstances, the order passed by the trial Court permitting the power of attorney holder to depose does not warrant interference.

11. Accordingly, C.R.P. No. 2384 of 2025 is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

22-04-2026

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

1. The District Munsif Court, Thiruporur.

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



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T.V.THAMILSELVI J.
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