



WEB COPY

CRP No. 1724 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1724 of 2026

AND

CMP NO. 7899 OF 2026

1. Ramalingam

S/o. Srinivasapillai, No.152/1,
Ponniyamman Kovil Street, Peravur
Village, Villupuram District.

2. Janardhanan

S/o. Ramalingam, No.152/1,
Ponniyamman Kovil Street, Peravur
Village, Villupuram District.

3. Vedanaygam

S/o. Ramalingam, No.152/1,
Ponniyamman Kovil Street, Peravur
Village, Villupuram District.

Petitioner(s)

Vs

1. Ranganayagi (Died) 1.Munusamy,
S/o. Emperumal Pillai, Attipakkam
Village, Vellimedupettai Road, Tindivanam
Taluk, Villupuram Dt.

2.Arumugam

S/o. Emperumal Pillai, Permanent Address
Peravur Village, Vanur Taluk, Villupuram
Dt. Temporary Address Adikesavapuram,
Thandarai (Madura) Thiruporur Taluk,
Kanchipuram Dt 603 105.

3.Vimala @ Alamelu

W/o. Ravi @ Venkatagiri, D/o. Emperumal
Pillai, No.24, Murugappa St, Ice House,
Tiruvallikeni, Chennai 5.

Respondent(s)

**CRP No. 1724 of 2026****PRAYER**

To set aside the Fair and Decretal order dated 19.02.2026 made in IA No.1090 of 2025 in OS No.66/2014 on the file of Additional Sub Court, Tindivanam.

CRP No. 1724 of 2026

For Petitioner(s): MR.M.Venkadeshnan

For Respondent(s):

ORDER

This Civil Revision Petition has been filed seeking to set aside the Fair and Decretal order dated 19.02.2026 made in IA No.1090 of 2025 in OS No.66/2014 on the file of Additional Sub Court, Tindivanam.

2. The Petitioners herein filed IA No.1090 of 2025 in OS No.66/2014 on the file of Additional Sub Court, Tindivanam, under order 18 Rule 17 CPC seeking to recall and reopen D.W.1 evidence. Upon hearing both sides, the Trial Court dismissed the said application with cost. Challenging the same, the petitioners have filed this Civil Revision Petition.

3. The learned counsel for the petitioners submit that D.W.1 is aged about 75 years and due to his age he was not able to appear before the Trial Court for further cross examination; his absence is neither Wilful nor wanton. Now, he is ready for cross examination. Since it is suit for partition D.W.1 wants to



examine himself and with regard to cross examination, it is upto the plaintiff to decide the same, but the Trial Court without considering the same erroneously dismissed the application without giving opportunity to the petitioners. Therefore, he prays to allow this petition.

4. Heard the submission of the learned counsel for the petitioner.

5. On perusal of records, it reveals that after referring the matter for mediation, the case is posted for examination of D.W.1. Since, D.W.1 is aged about 75 years, he was not able to appear on that day. Before that he was regularly appeared before the Court. The reason assigned by the petitioners as such is acceptable. If the opportunity is not given to the petitioners/defendants their valuable right will be defeated. Therefore, the findings of the Trial court is set aside. Thus, IA No.1090 of 2025 in OS No.66/2014 on the file of Additional Sub Court, Tindivanam is allowed. Further the petitioners are directed to cooperate for the Trial proceedings.

6. In the result, this Civil Revision Petition is allowed. No Costs. Pending miscellaneous petition, if any, is/are closed.

25-03-2026

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Neutral Citation: Yes/No



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T.V.THAMILSELVI J.
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To

1. The learned Judge, Additional Sub Court, Tindivanam.
2. The Section officer, V. R Section, High Court, Madras.

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