



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1854 of 2026

and

CMP No.8312 of 2026

1. K.Shankar
S/o. M.Krishnamoorthy,
No.147, Kacheri Street,
Tirupattur,
Tirupattur District.
2. K.Ramesh
S/o. M.Krishnamoorthy,
No.147, Kacheri Street,
Tirupattur,
Tirupattur District.
3. K.Sekar
S/o. M.Krishnamoorthy,
No.147, Kacheri Street,
Tirupattur,
Tirupattur District.

..Petitioner(s)

Vs

1. K.Banumathi
W/o. Kirubananth,
No.41, Nehru Street,
Mahalingapurma,
Pollachi,
Coimbatore District.
P.M.M.Nandha Gopal (Died),
Saravana Sundar (Died)
2. Vijayalakshmi
W/o. Nandhagopal,
No.27/24, 2nd Street,
Medavakkam,
Tank Road, Kizhpakkam, Chennai-10.



3. P.M.N.Mohan Krishna
S/o. Nandhagopal,
No.110, Ashok NAgar,
Pachal Village,
Tirupathur District.
4. P.N.Sankar
S/o. Nandhagopal,
No.27/24, 2nd Street,
Medavakkam,
Tank Road,
Kizhpakkam,
Chennai-10.
5. N.S.Aruna
W/o. Saravanasundhar,
Res. at No.2C, T.V.K.Road,
Tirupattur Town and District.
6. Minor N.S.Aravindh Roshan,
S/o. Saravanasundhar,
Res. at No.2C, T.V.K.Road,
Tirupattur Town and District.
Rep.by mother R-5

(Notice dispensed with for Respondents 1,2,and
4 to 6)

..Respondent(s)

CRP No. 1854 of 2026

To set aside the fair and decretal order dated 17.03.2026 passed in IA No.14 of 2026 in OS No. 6 of 2012 on the file of District Court, Tirupattur, Tirupattur District and thus render justice.

**CRP No. 1854 of 2026**

For Petitioner(s): MR.P.A.Sudesh Kumar

WEB COPY For Respondent(s): Mr.N.Manokaran for R3

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 17.03.2026 passed in IA No.14 of 2026 in OS No. 6 of 2012 on the file of District Court, Tirupattur, Tirupattur District.

2. The matter is taken up again on appearance of the learned counsel for the 3rd respondent.

3.The learned counsel for the petitioners would submit that the Trial Court has failed to consider the facts that the petitioners'/defendants' petition to reopen the plaintiffs' side evidence was closed on 20.08.2025. On the very same day, the petitioners'/defendants' side evidence was also closed and the matter is posted for arguments on 21.08.2025 and Judgment by 22.08.2025. Further, the said order of adjudication was challenged in C.R.P No.3877 of 2025 seeking fair opportunity to summon the P.W.2 and 3, which was allowed. Accordingly, the examination of Plaintiffs Witnesses were closed on 06.02.2026 and posted for arguments on 10.02.2026. Thereafter only, it was noticed that the defendants' side evidence was closed on 20.08.2025. Hence, the petitioners



have filed I.A. No.14 of 2026 in O.S. No.6 of 2012 on the file of District Court, Tirupattur, Tirupattur District, seeking to reopen the case to adduce their evidence. However, the Trial Court dismissed the plea of the petitioners in the aforesaid application without considering the aforesaid facts and circumstances of the case.

4.It has been further submitted by the learned counsel for the petitioners that the defendants' case is based on a Will and it requires proper evidence by examining the defendants' side evidences to prove the same. Further, the defendants shall be allowed to let their evidence to try the full fledged trial as directed by this Court in CRP No.3877 of 2025. If the petitioners are not allowed to reopen the case for the purpose of adducing their oral evidence on their side, they would be prejudiced. Hence, he prays to allow the Civil Revision Petition.

5.The learned counsel for the 3rd respondent would submit that even though this Court by order dated 19.06.2025 in Tr. CMP Nos.116 and 117 of 2025 has fixed the time frame to dispose of the case and again in CRP No.3877 of 2025, this Court has ordered time bound directions, the petitioners have not utilized those opportunities and cooperated with the Trial proceedings and filed various applications to reopen the case by which they are trying to drag on the Trial Proceedings. Hence, he seeks to dismiss the Civil Revision Petition.



WEB COPY

6. Heard both sides and perused the materials available on record.

7. On perusal of the records, it is seen from the adjudication dated 06.02.2026 of the Trial Court that the respondents/plaintiffs were not present and their evidence were closed and the matter stands posted for arguments 10.02.2026. No opportunity was given to adduce their evidence on the side of the defendants/petitioners herein even after reopening the case as per the directions of this High Court in the aforesaid earlier orders. Admittedly, the suit was filed in the year 2012 for the relief of declaration and the defendants also contested the suit and both the suits are based on the Will. Hence, it requires evidence of witnesses to prove their respective cases. If the opportunity is not given to the petitioners/defendants to adduce their evidence, their valuable right to defend the case will be defeated and it would lead to multiplicity of proceedings and it amounts to miscarriage of justice. Therefore, this Court is inclined to give one more opportunity to the defendants/petitioners herein. Accordingly, the defendants/petitioners are permitted to adduce their evidence. Thus, I.A. No.14 of 2026 in O.S.No.6 of 2012 on the file of the District Court, Tirupattur, Tirupattur District, is allowed. Since the 1st petitioner is aged about 67 years, the Trial Court shall record their evidence on day to day basis without giving unnecessary adjournments and the Trial Court is directed to dispose of



the main suits within a period of twelve working weeks from the date of receipt of copy of this order. Further, both parties are directed to cooperate with the Trial Proceedings without asking for unnecessary adjournments.

8. With the aforesaid directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08-04-2026

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

Lbm

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T.V.THAMILSELVI J.

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