



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP Nos. 1743 and 1745 of 2025 of 2025
and CMP Nos.10042 and 10046 of 2025**

G. Latha, W/o.K.Aravindan,
Res at No.62C, Raja Street, Thiruvarur Town,
Thiruvarur District

..Petitioner(s) in
both CRPs

Vs

1. G. Manoharan
S/o.Late P.Govindan, res at Buddhar Street,
Thiruvagoundanoor, Suramangalam Post,
Salem-636005
2. G.Kannan
S/o.Late P.Govindan, res at Buddhar Street,
Thiruvagoundanoor, Suramangalam Post,
Salem-636005

..Respondent(s) in
both CRPs

Common Prayer: Civil Revision Petition filed under Article 227 of Constitution of India seeking to set aside the impugned order dated 27.01.2025 passed by the I Additional District Judge, Salem and to dismiss the I.A Nos.5 and 6 of 2024 in OS No.4 of 2020.

For Petitioner(s): Mr..T.Karuanakaran

For Respondent(s): Mr.S.Kalyanaraman



COMMON ORDER

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These civil revision petitions have been filed challenging the order passed by the Trial Court, allowing the applications filed by the respondents seeking to reopen the case and to recall PW1.

2. The petitioner herein/plaintiff filed a suit in O.S.No.4 of 2020 seeking declaration of title and recovery of possession. The Trial in the suit is already over and the same was posted for arguments. At this stage, the respondents filed applications seeking to reopen the case and to recall PW1 for the purpose of further cross examination. The said applications have been allowed by the Trial Court. Aggrieved by the same, the petitioner has come before this court.

3. The learned counsel for the petitioner, by taking this court to the Affidavit filed by the respondents in support of the petitions to reopen and recall, submitted that the respondents have not given genuine reason to recall the PW1 and based on the said vague averments made by the respondents, the Trial Court ought not to have allowed the applications.

4. The learned counsel for the respondents would submit that at the time of cross examination of PW1, certain vital questions have not been put to him, based on the averments found in the proof affidavit filed by him and therefore,



recalling of PW1 is absolutely necessary to establish the case of the respondents.

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5. In the affidavit filed in support of the petition seeking to recall PW1 for the purpose of further cross examination, the applicants may not be in a position to say what are all the vital questions omitted at the time of earlier cross examination. If the omitted questions are mentioned, it will defeat the purpose of cross examination. Therefore, merely because the respondents failed to give details of the omitted questions, we cannot reject their request. Taking into consideration the said fact, the Trial court has exercised its discretion in favour of the respondents and allowed the said applications for the purpose of further cross examination of PW1. Therefore, this court is not inclined to interfere with the said order passed by the Trial Court. However, taking into consideration that the trial in the suit was commenced nearly two years back, this court is inclined to direct the respondents to complete the cross examination of PW1 in one hearing. It is stated by the learned counsel for the petitioner as well as the respondents that the next hearing date of the suit is 07.03.2026.

6. Therefore, the petitioner shall produce the PW1 on 07.03.2026 for the purpose of cross examination and the respondents shall complete further cross examination of PW1 on that date itself.



7. With the above direction, both the civil revision petitions are allowed.

Taking into consideration the suit is of the year 2020 and the trial in the suit is almost completed, the trial court is directed to dispose of the suit as expeditiously as possible. There shall be no order as to costs. Connected miscellaneous petitions are closed.

19-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

The I Additional District Judge,
Salem.



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S.SOUNTHAR, J.

MST

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