



WEB COPY

CRP No. 2256 & 2259 of 2
and CMP No.9774 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

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

CRP Nos. 2256 & 2259 of 2026

AND

CMP NO. 9774 of 2026

1. Thangammal
W/o. Late Subban @ Kandasamy,
Thatchankadu,
Valrasapalayam,
Sanniyasipatti Post,
Tiruchengode Taluk,
Namakal District.
2. Jayamani
W/o. Rajendran
D/o. Late. Subban @ Kandasamy
Odakkadu
Vediyarasampalayam
Komarapalayam Taluk
Namakkal Dist.
3. Govindaraj
S/o. Late Subban @ Kandasamy,
Thatchankadu,
Valrasapalayam,
Sanniyasipatti Post,
Tiruchengode Taluk,
Namakal District.

..Petitioner(s)

Vs

Athappa Gounder (Died)

Matheswaran,
S/o. Athappa Gounder,
Thattankadu,
Kallukattiyurm
Sanniyasipatti Post,



Sankari West,
Tiruchengode Taluk,
Namakal District.

..Respondent(s)

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 24.03.2026 made in I.A. Nos. 7 & 8 of 2026 in O.S. No. 338 of 2008 on the file of Additional Sub Court, Tiruchengode.

In both Petitions :

For Petitioner(s): Mr.R.T.Vishnu

COMMON ORDER

Challenging the impugned order passed in I.A. Nos. 7 & 8 of 2026 in O.S.No.338 of 2008 dated 24.03.2026 on the file of Additional Sub Court, Tiruchengode, the defendants 26 to 28 have preferred this revision petition.

2. The defendants 26 to 28 filed applications before the trial court to reopen and recall PW1. Both the applications were dismissed by the trial judge on hearing both sides. Aggrieved over the same, the defendants 26 to 28 have preferred this revision petition.

3. The learned counsel for the revision petitioners submits that the defendants 26 to 28 were impleaded as per the order passed in IA No. 3 of 2021, being the legal heirs of the deceased sixth defendant and they filed written statement. But they were not given an opportunity to cross examine PW1. Before the trial court, already sixth defendant has cross examined the witnesses. Therefore, the defendants 26 to 28, who are the legal heirs of the deceased sixth defendant need not cross examine the witnesses. Aggrieved by the findings, the present revisions are filed.



4. On perusal of records, it reveals that though the sixth defendant cross examined PW1, but still the revision petitioners are having valuable defence as they filed separate written statement. Therefore, they want to cross examine PW1. After impleading the defendants 26 to 28, who filed separate written statement, they have sought permission to cross examine PW1 for which they are entitled. But the trial court failed to give such opportunity. Therefore, the findings are set aside. Otherwise the revision petitioners would be deprived of valuable right to defend the case. Therefore, both the civil revision petitions are ordered to be allowed. Both the parties are directed to cooperate with the trial proceedings and the trial judge is directed to dispose of the case as early as possible.

5. Accordingly, these Civil Revision Petitions are allowed. The impugned order dated 24.03.2026 made in I.A. Nos. 7 & 8 of 2026 in O.S. No. 338 of 2008 on the file of Additional Sub Court, Tiruchengode, are set aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

16-04-2026

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

MTL

To

1. The Additional Sub Court, Tiruchengode.



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T.V.THAMILSELVI J.

MTL

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