



WEB COPY

CRP No. 3592 and 3594 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 3592 and 3594 of 2025 and
CMP.No.19383 and 19386 of 2025**

In both CRP's

C Samy Pillai

..Petitioner(s)

Vs

The Royapuram Dharma Brahma

Theertham Charities,

Rep. by its Trustees,

1.G.Nagarajan

2.N.Baaskaran

3.M.Srinivas

4.A.Krishna Prasad

5.A.N.Venkataraman

..Respondent(s)

Prayer in CRP.No.3592 of 2025: The civil revision petition filed under Article 227 of Constitution of India, praying to set aside the order dated 01-07-2025 made in IA.No.14 of 2025 in OS.No.3826 of 2022, on the file of the Learned XXII Asst.City Civil Court, Chennai.

Prayer in CRP.No.3594 of 2025: The civil revision petition filed under Article 227 of Constitution of India, praying to set aside the order dated 01-07-2025 made in IA.No.13 of 2025 in OS.No.3826 of 2022, on the file of the Learned XXII Asst.City Civil Court, Chennai.

**In both CRP's**

For Petitioner(s):

Mr.M.Guruprasad
for Mr.S.Ramesh

For Respondent(s):

M/s.N.K.Kanthimathi
for Mr.R.Natarajan**COMMON ORDER**

These Civil Revision Petitions are filed challenging the order passed by the trial court dismissing the applications filed by the petitioner/defendant seeking to re-open the case and recall PW1.

2. The respondent herein/plaintiff filed a suit seeking recovery of possession and also for recovery of damages. During examination of DW1, the plaintiff, marked certain documents through cross-examination of DW1. Hence, the petitioner/defendant filed applications to re-open the case and recall PW1 in IA.Nos. 10 and 11 of 2024. Those applications were allowed on 27.11.2024. Thereafter, out of five hearings, for first 3 hearings, PW1 failed to appear. In the 4th hearing on 06.02.2025, PW1 appeared but the defendant's side counsel met with an accident. On the basis of the documents filed by the petitioner/defendant and the agreement reached, the trial court fixed a specific date for cross-examination of PW1 on 20.02.2025 at 3:30 p.m. Even in the next date of hearing, the petitioner/defendant side failed to cross-examine PW1. It was represented to the court that Senior Counsel representing the defendant was



not available and hence, the matter could be adjourned. The trial court after recording the fact that the date and timings were fixed on understanding and in spite of the sufficient opportunity, the defendant failed to cross-examine PW1 and hence, closed the applications.

3. The order passed by the trial court dated 20.02.2025 closing the earlier applications filed by the petitioner seeking to reopen the case and recall PW1 has not been challenged by the petitioner. However, yet another set of applications have been filed by the petitioners seeking to reopen the case and recall PW1. The said applications were dismissed by the trial court by referring to the dismissal of the earlier similar applications. Aggrieved by the same, the petitioner/defendant has come before this court.

4. The learned counsel for the petitioner vehemently contended that during cross-examination of DW1, the plaintiff side marked certain documents. In order to clarify the same, the defendant wants to cross-examine PW1. Therefore, the opportunity shall be given to the petitioner.

5. The petitioner already filed similar applications to reopen the case and recall PW1 and failed to cross-examine the witness in spite of the fact that he appeared before the court on the agreed date and time. Therefore, the earlier applications were closed by the trial court. The said order has become final and the same has not been challenged by the petitioner. However, the petitioner filed a new set of applications seeking to re-open the case and recall PW1. As mentioned earlier, sufficient opportunity has been given to the petitioner to



cross-examine PW1 and in spite of the understanding reached between both the parties and the witness appeared on specific date and specific time, the defendant failed to cross-examine PW1. Therefore, the trial court rightly closed the earlier applications and hence, the present applications filed by the petitioner cannot be accepted. Accordingly, the civil revision petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

27-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The XXII Assistant City Civil Court, Chennai.



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S.SOUNTCHAR, J.

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