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CRP No. 3958 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos.3958 & 3959 of 2025

C.M.P.No.20716 of 2025

1. Vijaya
2. Lavanya
3. Sivasankari

..Petitioner(s)
in both C.R.P.s

Vs

1. Raja
2. Ayyaru
3. Kamaraj

..Respondent(s)
in both C.R.P.s

Prayer in C.R.P.No.3958 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the order and decreetal order in I.A.No.6 of 2025 in O.S.No.21 of 2024, on the file of the Principal District Court, Kallakurichi dated 16-06-2025.

Prayer in C.R.P.No.3959 of 2025:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the order and decreetal order in I.A.No.5 of 2025 in O.S.No.21 of 2024, on the file of the Principal District Court, Kallakurichi, dated 16-06-2025.

For Petitioner(s):	M/s.R.Poornima
For Respondent(s):	Mr.B.Manimaran for R1 to R3

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the trial Court allowing the applications filed by the respondents to reopen the case and recall P.W.1.



2.The petitioners herein filed suit for partition against the respondents.

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The trial in the suit was already midway through and is posted for further examination of witness by the defendant's side. It is seen from the typed set of papers, on behalf of the plaintiffs P.W.1 and P.W.2 were examined and plaintiff's side evidence was closed on 25.03.2024. Thereafter, on the side of the defendants two witnesses were examined and now the matter is adjourned for further examination of defendant's side witnesses. At this stage, the defendants filed application seeking to recall P.W.1 on the ground that the said witness was not examined on certain vital aspects. The trial Court allowed the applications on payment of cost of Rs.500/-. Aggrieved by the same, the petitioners have come before this Court.

3.The learned counsel for the petitioners would submit that in the affidavit filed in support of petition seeking reopening of case and recall of witnesses, no reasons have been given by the respondents. Therefore, the trial Court ought not have allowed the application mechanically.

4.The learned counsel for the respondents would submit that at the time of examination of P.W.1, he was not cross examined on certain vital aspects. Therefore, the interim applications have been filed.



5. In the affidavit filed in support of petition seeking recall of P.W.1, it was stated by defendants that P.W.1 was not cross examined on certain vital aspects. Taking into consideration the suit is for partition and the parties are close relatives, this Court feels an opportunity shall be given to the respondents to further cross examine P.W.1. However, there is a delay of nearly seven months in filing this application seeking to recall P.W.2. In view of the same, this Court is inclined to enhance the cost imposed by the trial Court. Accordingly, these Civil Revision Petitions stand allowed by directing the respondents to pay a sum of Rs.3000/- each in both the petitions as cost to the petitioners within a period of two weeks from the date of receipt of copy of this order. In case of non-compliance, the Civil Revision Petitions will stand automatically dismissed.

6. On payment of the cost as directed by this Court, the trial Court shall fix a date for further cross-examination of P.W.1 within four weeks from the date of receipt of copy of this order and the respondents shall cross-examine the said witness within one hearing date.

7. Taking into consideration the suit for partition was originally filed before the Principal District Court, Villupuram, in the year 2022, the trial Court is directed to dispose of the suit as expeditiously as possible.



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S.SOUNTHAR, J.

8. With these directions, these Civil Revision Petitions stands allowed.

Consequently, connected Civil Miscellaneous Petition is closed. No costs.

20-01-2026

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To:-
The Principal District Court,
Kallakurichi.

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