



WEB COPY

CRP No. 4142 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

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

CRP Nos. 4142 & 4146 of 2025

and

CMP Nos.21326 & 21338 of 2025

M.Thangarasu

..Petitioner in both
petitions

Vs

1. M.Punithavathi

2. M.Punithavathi

M.Venkatachalapathi (Died)

3. S.Komarasamy

4. K.Nagarathinam

..Respondents in
CRP No.4142 of 2025

1. S.Komarasamy

2. K.Nagarathinam

..Respondents in
CRP No.4146 of 2025

PRAYER in CRP No.4142 of 2025 : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.07.2025 made in IA.No. 8 of 2024 in OS.No.8 of 2020 on the file of the District Munsif Court, Bhavani.

PRAYER in CRP No.4146 of 2025 : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order



dated 23.07.2025 made in IA.No. 17 of 2024 in OS.No.27 of 2020 on the file of the District Munsif Court, Bhavani.

In CRP No.4142 of 2025 :

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.Ali Hassan Khan for R1 & R2
Mr.M.Deivanandam for R3 & R4

In CRP No.4146 of 2025 :

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.M.Deivanandam

COMMON ORDER

Challenging the common impugned order in IA Nos.8 & 17 of 2024 dated 23.07.2025 on the file of the District Munsif Court, Bhavani, the plaintiff in the Suit in OS No.8 of 2020 and the defendant in the Suit in OS No.27 of 2020, has preferred the revision petitions.

2. The plaintiff / revision petitioner filed applications before the trial court under Section 151 CPC, praying to set aside the trial proceedings and all subsequent proceedings of the suit in OS No.27 of 2020, since those proceedings were abuse of process of law and enable the petitioner to begin trial of the suit OS No.8 of 2020 as a plaintiff along with the suit OS No.27 of 2020 jointly. Both applications were dismissed on hearing both sides. Aggrieved over the same, the plaintiff has preferred these revision petitions.



3. The learned counsel for the plaintiff submits that already there was a direction given by this Court for joint trial in CRP No.514 of 2022 dated 02.03.2022. but without considering the same, the trial court proceeded with OS No.27 of 2020 and also when the Court was informed about the order of joint trial, the trial judge has not accepted, therefore, again clarified by this Court in CMP No.14017 of 2022. On hearing both sides, this Court again recreated that the trial judge was informed that there is a positive direction of this Court to conduct both applications in joint trial. In the meanwhile, PW1 evidence was examined in chief in OS No.27 of 2020 and cross was referred for some extent due to the pendency of the CRP. But though the order was reserved by this Court but it was not pronounced in earlier stage and in the meanwhile, the trial judge has insisted the revision petitioner to cross examine PW1 in OS No.27 of 2020 and which was not done again, they filed evidence was closed and it was reopen on payment of the cost. So at the instance of the trial judge they made some progress in the cross examination. Thereafter, since the order of the joint trial was confirmed by this Court again, they filed application to reopen but it was not been considered and upto Hon'ble Apex Court it went there and which was not given. At this stage, now they come forward with the application to start the trial in OS No. 8 of 2020 which is the earliest suit and also prayed to strike out the evidence recorded in OS No.27 of 2020. But the Court below not given such opportunity and not exercised such opportunity and dismissed.



4. The learned counsel for the respondents submits that to drag on the proceedings, the revision petitioner has come forward with these applications. But the earlier application to recall of evidence was not considered by the trial judge, even it was dismissed, against up to SLP it was confirmed. So they are not entitled to sought for the same relief by filing present application which was rightly observed by the court below.

5. Considering the both submissions the learned counsel for the revision petitioner pointed out that while disposing the earlier reopen and recall petitions the order of the joint trial was not been confirmed, as the matter was reserved by this Court. Therefore, the order of joint trial was not brought before the knowledge of the Hon'ble Apex Court and now they come forward with the present relief which is totally differs. Therefore, they entitled to proceed with the earlier suit which was filed by them. As on date, on considering the records in OS No.27 of 2020 PW1 was cross examined by the revision petitioner to some extent, but still they want to cross examine. But in OS No.8 of 2020 the trial was not begun. However, the joint trial was already ordered by this Court. Therefore, this Court directs the trial judge to record the evidence in OS No. 8 of 2020 and directing the revision petitioner to adduce evidence and also the evidence of PW1 is reopened and further cross examination of PW1 is permitted. In both the cases, the parties are directed to adduce their evidence



and trial judge is directed to take both the suits for joint trial by giving opportunity to both sides and complete the proceedings within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petitions are Ordered. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

07-04-2026
(1/2)

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

MTL

To

1. The District Munsif Court, Bhavani.



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T.V.THAMILSELVI, J.

MTL

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