Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 5970 of 2026
and CMP No.25842 of 2026

CNR:{HCMA011995052026}

A.Rajendran (Died)

1. P.Prithiviraj

2. Pushparaj

Petitioner(s)

Vs

1. P.Ravi

Pappammal (died)

2.Vijayammal

3.Munusamy

4.Devendiran

5.S.Sathishkumar

6.K.Raja

7.The Sub Registrar
Sub Registrar office, Katpadi,
Vellore-7.

8.Urmila

Respondent(s)

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PRAYER

Petition filed under Article 227 of the Constitution of India praying to set aside the impugned order in IA No. 06 of 2026 in OS No. 191/2022 dated 16.07.2026 on the file of Sub Judge Katpadi, and lender PW-2 and PW-3 for Cross examination.

For Petitioner(s): Mr.R.Sankarasubbu

For Respondent(s): Mr.S.Ramesh
for Mr.D.Lakshmipathy for R1

Mrs.D.Chitra Maragatham
Government Advocate
for R7
R2 To R6 and R8 Dispensed With

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order made in IA No. 06 of 2026 in OS No. 191/2022 dated 16.07.2026 on the file of Sub Judge Katpadi, wherein the application filed by the petitioners/defendants 6, 9 and 12 to recall PW2. and Pw.3 for cross examination came to be dismissed by the Court below.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.This Court carefully considered the submissions made on either side and the materials available on record. This Court also went through the order passed by the Court below.

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4.The 1st respondent is the plaintiff who filed the suit in OS.No.191 of 2008, before the Sub Court, Vellore seeking for the relief of declaration and permanent injunction. The suit was subsequently renumbered as OS.No.191 of 2022.

5.The petitioners who are defendants 6, 9 and 12 filed IA.No.6 of 2026, to recall PW.2 and PW.3 for cross examination.

6.The Court below dismissed the application mainly on the ground that the petitioners were represented through a counsel and were very much present at the time of cross examination of PW.2 and PW.3 by other defendants and inspite of the same, they refrained from cross-examining PW.2 and PW.3. Hence, the Court below came to a conclusion that the applications have been filed only to drag on the proceedings. Aggrieved by the same, the present CRP has been filed before this Court.

7.Taking into consideration the nature of relief that has been sought for in the present CRP and in order to afford one opportunity to the petitioner to recall PW.2 and PW.3 for cross examination, this Court is inclined to interfere with the order passed by the Court below subject to certain conditions.

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8.In the result, this Civil Revision Petition is disposed of in the following terms:

a) The order passed by the Court below in IA No. 06 of 2026 in OS No. 191/2022 dated 16.07.2026, on the file of Sub Judge Katpadi, is hereby set aside.

b)The Court below is directed to recall PW.2 and PW.3 for cross examination by the petitioners and the petitioners shall pay a sum of Rs.1500/- each towards cost for PW.2 and PW.3 when they are present before the Court.

c) The cross examination of PW.2 and PW.3 shall be completed on the same day of their appearance before the Court.

d) If the petitioners fail to comply with the conditions imposed in (b) and (c), they will forfeit their right to recall PW.2 and PW.3 for cross examination and ;

e)The Court below is directed to dispose of the suit in O.S. No.191 of 2022, within a period of three months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

28-10-2026

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

1.Sub Judge Katpadi,

2.The Sub Registrar
Sub Registrar office, Katpadi,
Vellore-7.

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N.ANAND VENKATESH J.

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CRP No. 5970 of 2026

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