



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

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

CRP Nos.4347 & 4348 of 2024 & CMP.No.24213 of 2024

1. Santha
W/o.Elavarasan, Sankarapuram Main Road,
Road Mamanthur Village, Kallakurichi Tk.,
Kallakurichi Dist.
2. Indira
W/o.Sekar, South Street, Emapper Village,
Kallakurichi Tk., Kallakurichi Dist.
3. Suja
W/o.Kannan, VOC Nagar, Kallakurichi Cusba,
Kallakurichi Tk and Dist.
4. Gopi
S/o.Elavarasan, Sankarapuram Main Road,
Mamanthur Village, Kallakurichi Tk and Dist.
5. Balu
S/o.Subburaya Mooper, Sankarapuram Main
Road, Mamanthur Village, Kallakurichi Tk and
Dist. Mani (died),
6. Santhi
W/o.Venkatachalam, Kottapadi Village,
Pethanayakkanpalayam Tk., Salem Dist.
7. Sathya
W/o.Senthil, Eechampatti Village, Attur Tk.,
Salem Dist.
8. Venkatesan
S/o.Mani, School Street, Road Mamanthur
Village, Kallakurichi Tk.and Dist.



9. Valli

W/o.Mani, School Street, Road Mamanthur
Village, Kallakurichi Tk and Dist.

..Petitioner(s)

Vs

1. Selvam

S/o.Subburaya Mooper, Road Mamanthur
Village, Kallakurichi Tk., and Dist.

2. Senthilkumar

S/o.Sivaraman, No.66 South Street, Siruvangur
Village, Kallakurichi Tk and Dist.

..Respondent(s)

Common Prayer : Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the fair and deceetal order dated 14-08-2024 made in IA.No.253/2024 in OS.No.5/2020 on the file of the Ld. Addl.Dist,Judge, Kallakurichi.

For Petitioner(s): Mr.N. MANOHARAN

For Respondent(s): Mr. R. Bharath Kumar For R1

COMMON ORDER

Challenging the impugned Order passed in I.A.Nos.252 and 253 of 2024 filed by the petitioners to reopen the evidence of the P.W.1 and recall P.W.1 for cross examination, the present revision petitions have been filed.



2. The petitioners are the defendants in the suit. The plaintiffs have filed the suit for partition and separate possession and for declaration of documents as null and void. In the suit P.W.1 and P.W.2 were examined and the plaintiff's side evidence has already been closed. On the side of the defendants, D.W.1 to D.W.3 have been examined and the suit is now posted for arguments. At this stage, the defendants have filed the present applications to reopen the evidence on the side of the plaintiffs and recall P.W.1 for the purpose of cross examination. The said applications have been dismissed by the trial Court on the ground that P.W.1 was cross examined on the side of the defendants for four times and the petitioner has come forward with these application without assigning any proper reason. Challenging the same, the present petitions have been filed.

3. It is the contention of the learned counsel appearing for the petitioners that there are necessary questions to be put forth to P.W.1 and also with regard to certain documents, he has to cross examine P.W.1.

4. Whereas, it is the contention of the learned counsel appearing for the respondents that the trial in the suit had commenced in the year 2021 and P.W.1 was elaborately cross examined and his cross examination has been completed in the year 2022 and therefore, sufficient opportunity has been given to the



petitioner. It is his further contention that when the suit has been posted for arguments, these applications have been filed by the petitioners to drag on the proceedings and that the trial Court has rightly dismissed the applications, which needs no interference.

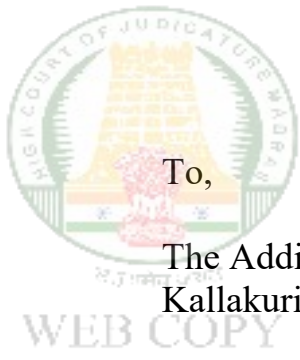
5. It is the specific contention of the petitioners that they want to cross examine P.W.1 with regard to some important issues and with regard to mortgage of the property. There is no pleading with regard to mortgage of the property. It is settled preposition that without any pleading, no amount of evidence can be let in. As rightly pointed out by the learned counsel appearing for the respondents, the plaintiffs have elaborately cross examined P.W.1 and that these applications have been filed to protract the proceedings and the trial Court has rightly dismissed the applications. Hence, I do not find any merits in these petitions.

6. Accordingly, these Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed.

03-03-2026

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

vrc



CRP Nos.4347 & 4348 of 2



To,

The Additional District Judge,
Kallakurichi.



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T.V.THAMILSELVI, J.

VRC

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