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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7151 of 2026

CNR:{HCMA012152092026}

AND

CRP NO. 6649 OF 2026, CMP NO. 28611 OF 2026, CMP NO. 30865 OF 2026

G.Baskaran

..Petitioner(s)
in both CRPs

Vs

1. Paulvannan

2. Sumithra

..Respondent(s)
in both CRPs

CRP No. 7151 of 2026

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the orders passed in I.A.No.7 of 2026 in O.S.No.189 of 2022 dated 06.08.2026 on the file of II Additional District Court, Tindivanam, and pass such other orders.

CRP No. 6649 of 2026

Prayer: This Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to set aside the orders passed in IA No.6 of 2026 in OS No. 189 of 2022 dt. 06.08.2026 on the file of II Addl. District Judge, Tindivanam.

For Petitioner(s): Mr.A.K.A.Rahmaan

For Respondent(s): Mrs.R.Poornima

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COMMON ORDER

These Civil Revision Petitions have been filed against the fair and decretal order dated 06.08.2026 passed in I.A.Nos.7 and 6 of 2026 in O.S.No.189 of 2022 on the file of the II Additional District Court, Tindivanam, wherein the applications filed by the petitioner/plaintiff to reopen the plaintiff's side evidence and to examine five witnesses on the side of the plaintiff, came to be dismissed by the court below.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is the plaintiff who filed the suit in O.S.No.189 of 2022 seeking for the relief of declaration of title and for permanent injunction. The plaintiff examined himself as PW1. Thereafter, the plaintiff filed an application in I.A.No.4 of 2025 to examine seven more witnesses on the side of the plaintiff. The said application was partly allowed permitting the plaintiff to examine two witnesses. Thereafter, the two witnesses did not appear before the court and the case was adjourned from time to time, and ultimately, the court below, by an order dated 11.06.2026, closed the evidence on the side of the plaintiff.

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4. At this stage, the plaintiff filed I.A.Nos.6 and 7 to reopen the evidence on the side of the plaintiff and to examine other witnesses out of the original list of seven witnesses submitted by the plaintiff.

5. The court below has dismissed these applications on the ground that the plaintiff cannot be allowed to indirectly bring in the five witnesses, which request was rejected while disposing of the earlier application in I.A.No.5 of 2025, and that the plaintiff had failed to pay batta to execute the warrant to examine two witnesses, which was allowed, and the case has reached the stage of examination of the witnesses on the side of the defendants, and therefore, the applications are devoid of merits. Aggrieved by the said order, these Civil Revision Petitions have been filed before this Court.

6. It is true that the petitioner/plaintiff filed I.A.No.4 of 2025 to examine seven witnesses. The court below partly allowed the said application to examine two witnesses. Summons was sent to these two witnesses and they did not turn up to the court, and as a result, warrant was issued by the court below and batta was directed to be paid by the plaintiff. The court below has rendered a finding as if the petitioner/plaintiff never took any steps to pay batta. However, on going through the records, it is seen that every time batta was paid starting from 27.01.2026 upto 28.04.2026. On 11.06.2026, the court below closed the evidence on the side of the plaintiff on the ground that no batta was

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paid. The order of the court below as if the petitioner/plaintiff never paid any batta is erroneous, and it is not in line with the records available before this Court.

7. The next issue is as to whether the petitioner/plaintiff can be permitted to examine the remaining five witnesses, who were sought to be examined even when the earlier application was filed in I.A.No.4 of 2025.

8. On carefully going through the order passed in I.A.No.4 of 2025, dated 22.10.2025, it is seen that the court below has chosen to examine two witnesses out of seven witnesses on the ground that examination of all seven witnesses will delay the proceedings. Therefore, the choice was made by the court below, and the court below has not expressly stated in the order that the application is rejected insofar as the remaining five witnesses are concerned.

9. In view of the above, there cannot be any bar in the plaintiff attempting to examine the remaining five witnesses, since the two witnesses who were chosen by the court below were not appearing before the court below in spite of repeated steps taken on the side of the plaintiff.

10. In the case in hand, the petitioner/plaintiff is attempting to establish

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his title over the suit property only by means of oral evidence. Therefore, an opportunity must be given to the plaintiff to establish his case.

11. It is also brought to the notice of this Court that witnesses on the side of the defendants have already been examined and the case is now at the stage of final arguments.

12. In the light of the above discussion, this Court is inclined to interfere with the order passed by the court below and the court below shall afford one opportunity to the plaintiff to examine the five witnesses on the side of the plaintiff. It is also made clear that if all or some of the witnesses, who are sought to be examined on the side of the plaintiff, do not cooperate and do not appear before the court, it is not necessary for the court below to keep the suit pending endlessly. Whoever appears before the court can be examined and they can be cross-examined on the side of the defendants and the court below can proceed further to decide the suit on merits. Accordingly, this Court is inclined to fix the time frame for disposal of the suit.

13. In the result, the order passed by the court below in I.A.Nos.6 and 7 of 2026, dated 06.08.2026, is set aside, and the applications are allowed. The court below is directed to issue summons to the five witnesses sought to be examined on the side of the plaintiff, for which, the petitioner/plaintiff shall pay

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batta. The court below shall keep in mind the above observations made by this Court. These Civil Revision Petitions are allowed in the above terms. There shall also be a direction to the II Additional District Court, Tindivanam, to dispose of the suit in O.S.No.189 of 2022 within a period of four months from the date of receipt of a copy of this order. No Costs. Connected civil miscellaneous petitions are closed.

25-11-2026

Neutral Citation: Yes/No
RKM

To

II Additional District Court,
Tindivanam.

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N.ANAND VENKATESH J.

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