



WEB COPY

A Nos. 195 & 196 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A Nos. 195 & 196 of 2026

IN

TOS NO. 39 OF 2022

Reginald Pathrose
S/o.V.Pathrose, No.16, 11th Street, Plot.
C-228, Periyar Nagar, Chennai - 600
082.

Applicant(s)

Vs

1. Geetha Christabel Shekar
2. Tomy Victor Pathrose

Respondent(s)

For Applicant(s):	M/S. Praveen Alexander
For Respondent:	Mr. S. Bruno Cruz for D1
	Mr. M. Antony Moses
	for M/s. Acuity Law Associates for D2

ORDER

These applications have been filed to reopen and recall DW1 for further cross examination.

2. The 2nd defendant was examined as DW1 and it is seen from the affidavit of the applicant that during the examination of DW1, he produced MO1, which is a USB audio recording and the transcription of the same was marked as Ex.D3.



3. The learned counsel for the applicant submitted that the plaintiff was not given an opportunity to cross-examine DW1 with regard to the transcription of MO1 marked as Ex.D3. Ex.D3 is nothing but the transcription of the contents of MO1. Even in the affidavit of the applicant, at Paragraphs 2 and 3, he has mentioned certain questions put to DW1 regarding the audio recording and about MO1.

4. Having got the opportunity to cross examine DW1 with respect to MO1 and Ex.D3, the applicant has stated facts contrary to his own submission. Such a submission is nothing but misleading.

5. The learned counsel for the respondents submitted that DW1 has been coming from Hyderabad and cross examined on five occasions and that the plaintiff has filed the present application only to harass him and to cause further delay of the proceedings.

6. As stated already, the plaintiff is not clear about the reason for which he seeks to recall DW1. Having availed the opportunity to cross examine DW1 with respect to MO1 and Ex.D3, the applicant / plaintiff cannot be permitted to reopen the evidence and recall DW1 for further cross examination on the basis of the misleading statements made in the affidavit. As such, the burden is on the plaintiff to prove the genuineness of the Will in a manner known to law.



7. The plaintiff cannot prolong the matter by seeking to recall witnesses who have already been examined on several occasions and thereby drag on the proceedings further. As I find no merits in the petition, the same stands dismissed.

8. As the evidence has already been closed, the Registry is directed to list the matter under the caption “for arguments” after two weeks.

19-01-2026

AT

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Dr. R.N.MANJULA, J.

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