



WEB COPY

A Nos. 6278 & 6279 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

A Nos. 6278 and 6279 of 2025

in

CS NO. 1196 OF 2009

T.R.Rathineswaran
S/o.R.K.Ramachandra Servai, No.1,
Citadal Buildings Rananjam Apartment,
2g Ii Floor, Arumbakkam, Chennai-600
106.

Applicant(s)

Vs

N.Rajaram And 4 Others
S/o.Neelamegam No.6, Nandavanam,
Bodinayakanur, Theni District.

Respondent(s)

For Applicant(s): M/s.G. Krishna Kumar
For Respondent(s): Mr. R. Thanjan

ORDER

The applicant is the 1st defendant, who has filed the applications to recall DW1 and to file an additional document.

2. The learned counsel for the applicant submitted that the respondents / plaintiffs had already filed a suit in O.S. No.5744 of 2007 in respect of the very same suit property for the relief of bare injunction and that the suit was dismissed on 28.07.2025.



3. The applicant now intends to mark the judgment and decree passed in the said suit as a document on his side by recalling DW1. For that purpose, he has filed the present application seeking permission to receive the judgment and decree dated 28.07.2025 passed in O.S. No. 5744 of 2007.

4. The learned counsel for the respondents / plaintiffs submitted that the plaintiffs have filed an appeal challenging the judgment dated 28.07.2025 in O.S. No. 5744 of 2007 and therefore, the said judgment and decree cannot be treated as having attained finality.

5. All these aspects can be raised by the respondents / plaintiffs during arguments and they are also at liberty to cross-examine DW1 when the above document is marked and evidence is adduced on this aspect.

6. With these observations, liberty is granted to the respondents / plaintiffs. Accordingly, these applications are allowed.

7. The records be sent back to the AM-I for continuation of further evidence. The parties shall appear before the AM-I on 27.01.2026.

20-01-2026

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Dr. R.N.MANJULA, J.

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