



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP Nos. 6330 & 6333 of 2025
C.M.P.Nos.31414 & 31420 of 2025
and C.M.P.Nos.1643 and 1637 of 2026**

In Both C.R.P's:-

Uma Mageswari

..Petitioner(s)

Vs

S.Kishore Kumar

..Respondent(s)

Prayer in C.R.P.No.6330 of 2025:- Civil Revision Petition is filed under Article 227 of Constitution of India, pleaded to set aside the order dated 24.09.2025 passed in IA No.1 of 2025 in HMOP No.593 of 2023 on the file of learned Subordinate Court, Alandur and allow present CRP.

Prayer in C.R.P.No.6333 of 2025:- Civil Revision Petition is filed under Article 227 of Constitution of India, pleaded to set aside the order dated 24.09.2025 passed in IA No.2 of 2025 in HMOP No.593 of 2023 on the file of learned Subordinate Court, Alandur and allow present CRP.

For Petitioner(s):

Mr.D.Srinivasan for
Mr.J.Jawahar

For Respondent(s):

M/s.A.Athishayaa



COMMON ORDER

The Civil Revision Petitions are filed challenging the order passed by the trial Court dismissing the applications filed by the petitioner seeking to reopen the case and recall P.W.1 for the purpose of cross-examination.

2.The respondent herein filed petition for divorce on the ground of cruelty. The enquiry in the main O.P. commenced and respondent was examined as P.W.1. Since, petitioner failed to cross-examine P.W.1, the evidence on the side of respondent was closed and the matter was posted for recording evidence on the side of the respondent in main O.P. Thereafter, instant applications had been filed by the petitioner seeking to reopen the case and recall P.W.1.

3.In the affidavit filed in support of the said applications, it was stated by the petitioner that main O.P. was listed on 20.03.2025, for the purpose of cross-examination of P.W.1 and on that day, the petitioner's counsel could not reach the Court in time. Therefore, the petitioner could not commence the cross-examination. The trial Court closed the evidence and adjourned the matter for evidence on the side of the respondent in main O.P. The applications filed by the petitioner seeking reopen and recall were dismissed by the trial Court on the ground that sufficient opportunity was already given to the petitioner for cross-examination.



4.It is seen from the impugned order, the proof affidavit of P.W.1 was filed on 06.11.2024. Thereafter, the matter has been adjourned for cross-examination of P.W.1 on 12.12.2024, 07.02.2025 and 20.03.2025. Even on the third occasion the petitioner failed to cross-examine P.W.1 and therefore, the evidence of P.W.1 was closed. In the affidavit filed in support of these petitions, it was stated by the petitioner on that particular date (i.e on 20.03.2025), the counsel for the petitioner owing to unavoidable circumstances, reached the Court belatedly. In view of the same, the petitioner could not proceed with the cross-examination. The failure of the counsel to reach the Court in time should not be put against the petitioner. Therefore, this Court is inclined to take liberal view of the matter and decide to give one more opportunity to the petitioner to cross-examine respondent.

5.While entertaining these Civil Revision Petitions, this Court directed the petitioner to deposit a sum of Rs.5000/- to the credit of H.M.O.P. No.593 of 2023 and the said order has been complied with. In view of the same, the Civil Revision Petitions stand allowed by setting aside the impugned order passed by the trial Court, on condition the petitioner shall pay cost of Rs.5000/- to the respondent. The amount already deposited by the petitioner shall be treated as cost and respondent is entitled to withdraw the same.



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CRP No. 6330 of 2



S.SOUNTHAR, J.

6.Both the counsel for the petitioner and respondent submit that the next date of hearing in main O.P. is 25.02.2026. It is made clear that the petitioner shall complete the cross-examination of the petitioner on the very same date.

7.With this direction, these Civil Revision Petitions stand allowed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

**18-02-2026
(2/2)**

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

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To:-
The Sub Court,
Alandur.

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