



C.R.P.(MD)Nos.185 and 186 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2026**

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)Nos.185 and 186 of 2026

and

C.M.P.(MD)Nos.726 and 727 of 2026

C.R.P.(MD)No.185 of 2026:

Sundhari

... Petitioner

vs.

1.S.R.Ponnumani

2.R.Sivasankarakumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the decree and judgment dated 03.12.2025 in I.A.No.08 of 2025 in O.S.No.24 of 2016 passed by the learned District Munsif Court, Mudukulathur and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.K.R.Laxman

C.R.P.(MD)No.186 of 2026:

Sundhari

... Petitioner

vs.

1.S.R.Ponnumani

2.R.Sivasankarakumar

... Respondents



C.R.P.(MD)Nos.185 and 186 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the decree and judgment dated 03.12.2025 in I.A.No.09 of 2025 in O.S.No.24 of 2016 passed by the learned District Munsif Court, Mudukulathur and set aside the same by allowing this Civil Revision Petition.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.K.R.Laxman

COMMON O R D E R

These two Civil Revision Petitions challenge the order and decree passed by the learned District Munsif, Mudukulathur, in I.A. No. 8 of 2025 and I.A.No.9 of 2025 in O.S. No. 24 of 2016, dated 03.12.2025.

2. The plaintiff is the Civil Revision Petitioner. For the sake of convenience, the parties shall be referred to as per their ranks in the suit.

3. O.S.No.24 of 2016 is a suit for declaration of title, permanent injunction and a further declaration that the settlement deed dated 12.02.2013 in Document No.173 of 2013 is null and void and for costs. Pending the suit, the 2nd defendant purchased a portion of the



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property and was impleaded as a party in I.A.No.219 of 2019, dated 16.12.2019. The 2nd defendant has also filed his written statement.

4. On the basis of the pleadings, issues were framed and the suit was taken up for trial. By the time the 2nd defendant was impleaded, the suit had progressed far beyond the stage of the plaintiff's evidence and it was at the stage of cross examination of D.W.1.

5. The 2nd defendant filed applications seeking to reopen and recall P.W.1 and 2 for the purpose of cross examination by his Counsel. The learned Judge received these applications in I.A.Nos.8 and 9 of 2025. He received a counter from the plaintiff.

6. The plaintiff pleaded that the power agent of the 1st defendant was 2nd defendant's brother-in-law and thus, the 2nd defendant was aware of the pendency of the suit. Despite the same, he had purchased 32 cents of the suit property pending the lis. She further pointed out that the 1st defendant had deposed in evidence that he had alienated the property in favor of the 2nd defendant pending litigation, without receiving any consideration. The plaintiff further alleged that defendants 1 and 2 are colluding with each other and



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that, as a direction had been given by this Court on 26.06.2023 in W.P.(MD)No.8921 of 2016, to dispose of the suit within a period of six months, this was an attempt to prolong the litigation. Thus, she sought dismissal of the applications.

7. The learned Trial Judge considered the affidavit and counter and marked two documents as Exhibits R1 and R2. She was of the opinion that, though the 2nd defendant is a *lis pendens* purchaser, in case, he is not permitted to cross examine P.W.1 and 2, it would result in violation of principles of natural justice and consequently allowed the application. Aggrieved by the same, the plaintiff is on revision.

8. Heard Mr.K.C.Ramalingam for the Civil Revision Petitioner and Mr.K.R.Laxman, for the contesting respondents.

9. It is not in dispute that the 2nd defendant is a *lis pendens* purchaser. He cannot take a plea better than that taken by the 1st defendant. He was impleaded during the course of cross examination of D.W.1. In other words, he had no opportunity to cross examine P.W.1 and P.W.2. The learned Trial Judge has felt that, in the interests of justice, an opportunity be granted to the 2nd defendant to



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cross examine P.W.1 and P.W.2. The learned Trial Judge, who had the benefit of observing the parties during the course of trial, exercised her discretion and allowed the applications.

10. The scope of revision under Article 227 of the Constitution of India, though wide, is to be exercised only where the discretion had been exercised in a capricious or arbitrary manner. It is not meant to interfere with routine errors committed by the Trial Court. [See, ***Estralla Rubber v Dass Estate (P) Limited, (2001) 8 SCC 97***]. I am not of the view that the impugned order is erroneous. This is the first difficulty faced by Mr.Ramalingam in this revision. Thus, exercise of discretion by the Trial Court is not capable of being interfered with in the revision.

11. Even on merits, the Trial Court has the power under Order XVIII Rule 17 of CPC to reopen the evidence at any stage, either on an application by the parties or *suo motu*, to ensure that the proper evidence is brought on record. Such power is exercised in order to enable the Court to pronounce a just verdict in the suit.



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12. The fear of Mr.Ramalingam is that, despite the direction issued by this Court in W.P.(MD)No.8921 of 2016, dated 26.06.2023, for expeditious disposal of the suit, the defendants are attempting to drag on the matter under the guise of reopening the evidence and recalling P.W.1 and 2. This issue can be addressed by issuing an appropriate direction to the learned District Munsif. I also notice that the learned District Munsif, Mudukulathur allowed the applications without imposing costs. *Lis Pendens* purchaser wants luxury of litigation, but such luxury does not come free of cost.

13. In the light of the above discussions, the Civil Revision Petitions are **disposed of** with the following directions:

(i) The order passed by the learned District Munsif, Mudukulathur in I.A.No.8 of 2025 and I.A.No.9 of 2025 in O.S.No.24 of 2016 dated 03.12.2025 stands confirmed on the condition that the 2nd defendant pays a sum of Rs.10,000/- (Rupees Ten Thousand only) to the plaintiff within a period of two weeks from today, that is, on or before **07.04.2026**.

(ii) The learned District Munsif, Mudukulathur, after confirming the payment of aforesaid amount shall advance the suit to **08.04.2026** and permit the 2nd defendant to cross examine P.W.1 and P.W.2.



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(iii) The 2nd defendant alone will be permitted to cross examine P.W.1 and P.W.2 between **08.04.2026 and 10.04.2026**. The evidence of plaintiff side must be closed on **10.04.2026**. The evidence of the defendant must commence on **15.04.2026**. His evidence must be completed by **24.04.2026**.

(iv) In case, the cost is not paid or if the 2nd defendant does not avail the opportunity of cross examining P.W.1 and P.W.2 between 08.04.2026 and 10.04.2026, the learned District Munsif, Mudukulathur is requested to close the evidence of the plaintiff and proceed further in the matter.

(v) The learned District Munsif, Mudukulathur, is requested to hear the arguments of both sides and pronounce a judgment by **25.06.2026**.

(vi) The report of compliance shall be submitted to this Court together with a copy of the judgment on **29.06.2026**.

No costs. Consequently, the connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

25.03.2026



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Note: Issue Order Copy on 02.04.2026.

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To:

The District Munsif Court, Mudukulathur.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
C.R.P(MD)Nos.185 and 186 of 2026

25.03.2026