



C.R.P.(MD).Nos.409 and 410 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(MD).Nos.409 and 410 of 2026

and

C.M.P.(MD).No.1883 of 2026

C.R.P.(MD).No.409 of 2026

1.Singaraj

2.T.Gowtham

... Petitioners/Petitioners/
Defendants 1 & 12

Vs.

1.R.Bose

... 1st Respondent/1st Respondent/
Plaintiff

2.Ramathal

3.Kannammal

4.Muthammal

5.Chinnathayi

6.Palpandi

7.Pappa

8.Duraipandi

9.Ramar

10.Jeyamani

11.Asodai

... Respondents 2 to 11/Respondents 2 to 11/
Defendants 2 to 11

1/9



C.R.P.(MD).Nos.409 and 410 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition setting aside the order dated 20.01.2026 made in I.A.No.5 of 2026 in O.S.No.243 of 2008 on the file of Principal District Munsif Court, Tirumangalam.

C.R.P.(MD).No.410 of 2026

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2.T.Gowtham

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1.R.Bose

... 1st Respondent/1st Respondent/
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C.R.P.(MD).Nos.409 and 410 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition setting aside the order dated 20.01.2026 made in I.A.No.6 of 2026 in O.S.No.243 of 2008 on the file of Principal District Munsif Court, Tirumangalam.

For Petitioners : Mr.R.G.Shankar Ganesh

For R-1 : Mr.S.Ravindran

For R-8 : Mr.R.Ganesan

For R-2 to R-5,
R-7 & R-11 : No appearance

(In both cases)

COMMON ORDER

Heard Mr.R.G.Shankar Ganesh for the petitioner, Mr.S.Ravindran for first respondent and Mr.R.Ganesan for eighth respondent.

2. These Civil Revision Petitions challenge the common order passed by the learned Principal District Munsif at Tirumangalam in I.A.Nos.5 and 6 of 2026 in O.S.No.243 of 2008 dated 20.01.2026. The defendants 1 and 12 are the civil revision petitioners.

3. The first respondent/plaintiff filed a suit for specific performance of an agreement of sale dated 09.03.2005. The suit was taken on file by the District Munsif Court, Thirumangalam and numbered as O.S.No.243 of 2008. Summons were served on the defendants. The defendants have also



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filed their written statement. Pending the litigation, the first defendant is said to have alienated the property in favour of the second defendant and subsequently to a third party, one Gowtham. The said Gowtham has been impleaded as the 12th defendant in the suit. These are the bare essentials necessary for disposal of the revision.

4. The suit was posted for trial. P.W.1 entered the witness box on 06.11.2025 and marked Ex.A1 to Ex.A9. He sought further time to mark documents. The matter was adjourned to 11.11.2025. On that day, the evidence of P.W.1 in chief was closed and the matter was listed for cross-examination on 19.11.2025. On 19.11.2025, the plaintiff was not ready for cross-examination. A request was made for adjournment for the appearance of P.W.1. Hence, the matter was adjourned to 24.11.2025. On 24.11.2025 too, P.W.1 was absent. Hence, the matter was adjourned to 26.11.2025. On 26.11.2025, P.W.1 was present, but the defendants were absent. Hence, the evidence of P.W.1 was closed.

5. The defendants 1 and 12 filed applications under Order 18 Rule 17 and Section 151 of the Code of Civil Procedure to re-open and recall P.W.1. The matter was adjourned from 10.12.2025 to 08.01.2026. On 08.01.2026, the matter was again adjourned to 20.01.2026. On 20.01.2026, the



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applications filed to re-open and recall P.W.1 came to be dismissed.

Challenging the same, the present revision.

6. The learned Judge had dismissed the applications on the ground that the matter had been listed for cross-examination of P.W.1 on 11.11.2025, 19.11.2025, 24.11.2025 and 26.11.2025, as the defendants had not cross-examined P.W.1 on those dates, he felt there was no necessity to entertain the applications to re-open and recall P.W.1. He took note of the fact that the suit was pending from 2008 and grant of further time would cause prejudice to the parties.

7. Mr.R.G.Shankar Ganesh took me through the 'B' Diary and urged that the defendants had sought time only once, i.e., on 26.11.2025 and hence, placing the blame on the defendants for the adjournments on 11.11.2025, 19.11.2025 and 24.11.2025 is unfair and improper. He further states that P.W.1, who has marked Ex.A1 agreement, is an essential witness and hence, the defendants ought to be permitted to cross-examine him.

8. Per contra, Mr.S.Ravindran appearing for the contesting respondent/plaintiff urges that the suit has been pending from the year 2008. He states that the plaintiff has been knocking on the doors seeking justice for more than 17 years and still, he is yet to see the end of litigation.



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He pleads that the Court was constrained to close the evidence as the defendants did not co-operate with the Trial Court for disposal. He left it to the discretion of this Court to pass appropriate orders.

9. I have carefully considered the submissions of both sides. I have gone through the records.

10. I have to agree with Mr.R.G.Shankar Ganesh that the defendants are not responsible for the case not proceeding further on 11.11.2025, 19.11.2025 and 24.11.2025. On two occasions, the matter was adjourned as the plaintiff was not present for cross-examination. The view of the Trial Court, i.e., the matter had suffered an adjournment since the defendants had not cross-examined the plaintiff, is not borne out by records. Such a finding is but perverse. A person can be cross-examined only if he or she is present in Court. The defendants are no magicians to cross-examine a party, who is not available.

11. Furthermore, the Court should have taken into consideration that it is a suit for specific performance, where vital rights over immovable properties are involved. The crucial document in such a suit is Ex.A1. If there is no cross-examination on Ex.A1 by the defendants, they run the risk of the evidence tendered on Ex.A1 going uncontroverted. This Court is of the



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view that the revision itself would have been unnecessary, had the learned Trial Judge taken a pragmatic view of the matter.

12. Be that as it may. Since I have found that the defendants were not responsible for non-examination of the plaintiff on those three dates and that the cross-examination could not proceed on account of the absence of the plaintiff, I am inclined to allow the revision and give an opportunity to the defendants to cross-examine P.W.1.

13. In the light of the above discussion, the Civil Revision Petitions are allowed with the following directions:

(i) The common order passed by the learned Trial Judge in I.A.Nos.5 and 6 of 2026 in O.S.No.243 of 2008 dated 20.01.2026 is set aside.

(ii) The applications in I.A.Nos.5 and 6 of 2026 are allowed.

(iii) P.W.1 shall present himself in the Trial Court for cross-examination on **24.03.2026**. On the said date, the defendants shall cross-examine P.W.1.

(iv) Being a suit of the year 2008, the learned Principal District Munsif, Tirumangalam is requested to ensure that the suit is given, at least two effective hearings per week. On conclusion of trial, the learned Principal District Munsif shall, without any further delay, ensure that the judgment is pronounced.



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WEB COPY

14. The learned Principal District Munsif, Tirumangalam is requested to act upon the web copy of this order and need not wait for the certified copy. No costs. Consequently, connected Miscellaneous Petition is closed.

18.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

Note: Upload order copy by 23.03.2026.

To
The Principal District Munsif Court,
Tirumangalam.



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V.LAKSHMINARAYANAN,J.

Lm

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