



CRP(MD). No.530 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.530 of 2026
and CMP(MD).No.2306 of 2026**

1.K.Kamalakannan
2.Seethalakshmi

... Petitioners

Vs

Bhuvaneshwari

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the order dated 14.11.2025 made in I.A.No.02 of 2025 in O.S.No.947 of 2014 on the file of the learned Principal Subordinate Judge, Madurai and set aside the same.

For Petitioners : Mr.M.Maran

ORDER

This civil revision petition has been filed challenging the order dated 14.11.2025 made in I.A.No.02 of 2025 in O.S.No.947 of 2014 on the file of the learned Principal Subordinate Judge, Madurai.



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2.Originally the suit in O.S.No.947 of 2014 was filed by the respondent herein for permanent injunction. On 22.07.2025, when the suit was posted for cross examination of PW1, the defendants did not appear and cross examine the PW1. Hence, the defendants are called absent and set ex-parte and ex-parte decree was also passed. To set aside the above said ex-parte decree, the petitioner has filed the present I.A.No. 2 of 2025. The same was dismissed by the trial Court. Against the dismissal order, the present civil revision petition has been filed.

3.The learned counsel for the revision petitioners submits that the revision petitioners filed a suit in O.S.No.387 of 2025 seeking declaration. Pending the above said suit, the revision petitioners filed an application to club both the suits, since the parties and the properties involved in both suits are one and the same, but, for different prayer. Since the second suit is of the year 2025, the above said application was rejected by the trial Court.

4.Considering the facts and circumstances of the case, notice to the respondent is dispensed with and upon perusing the records, this Court



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taken this civil revision petition for disposal.

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5.In O.S.No.947 of 2014, the cross examination of PW1 was pending from 10.06.2025 and the revision petitioners, who are the defendants in the suit has failed to cross examine the PW1. Therefore, it was posted to 25.06.2025, 04.07.2025, 15.07.2025 and 22.07.2025. Therefore, the defendants purposely and wantonly not cross examined the PW1 for five occasions. Therefore, the defendants were set exparte and the evidence was closed. When the suit is pending from 2014, such an attitude has been rightly taken into consideration by closing the evidence of PW1.

6.However, in order to give an opportunity to the revision petitioners, this Court is inclined to dispose this revision petition on the following terms. Accordingly, the impugned order passed by the trial court is hereby set aside. The suit in O.S.No.947 of 2014 shall be restored to the file. The trial Court is directed to permit the petitioners herein to cross examine the PW1 by fixing a particular date. The revision petitioners shall cross examine the PW1 on the date to be fixed



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by the trial Court. The trial Court shall not grant further time to cross examine the PW1. Thereafter, the trial Court shall proceed further and conclude the trial as expeditiously as possible and dispose of the suit at the earliest.

7. With the above said directions, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

24.02.2026

TM

To

1. The Principal Subordinate Judge, Madurai.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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