



CRP(MD). Nos.559 and 634 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.04.2026

CORAM

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

CRP(MD). Nos.559 and 634 of 2026

and CMP(MD)No.2540 of 2026

In CRP(MD)No.559 of 2026:

R.Muthukumar ... Petitioner/Petitioner/1st Defendant

Vs.

1. N.Balasubramanian ...1st Respondent/1st Respondent/Plaintiff

2. Tiruchirappalli City Municipal
Corporation rep. By its Executive
Authority, The Commissioner,
Trichy City Municipal Corporation,
Bharathidasan Salai,
Trichy – 1, Trichy District.

3.The State of Tamil Nadu,
Rep. By the District Collector,
District Collector's Office,
Trichy-1,
Trichy District. ... Respondents 2 & 3/Respondents 2 & 3 /
Defendants 2 & 3

PRAYER:-Civil Revision Petition filed under Article 227 of Constitution of India, as against the fair and decreetal order made in I.A.No.08 of 2025 in O.S.No.1394 of 2012 on the file of the Principal District Munsif, Trichirappalli dated 27.11.2025.

In CRP(MD). No.634 of 2026

R.Muthukumar ... Petitioner/Petitioner/1st Defendant

Vs

1. N.Balasubramanian ...1st Respondent/1st Respondent/Plaintiff



CRP(MD). Nos.559 and 634 of 2026

2. Tiruchirappalli City Municipal Corporation rep. By its Executive Authority, The Commissioner, Trichy City Municipal Corporation, Bharathidasan Salai, Trichy – 1

3. The State of Tamil Nadu, Rep. By the District Collector, District Collector's Office, Trichy-1, Trichy District.

... Respondents 2 & 3/ Respondents 2 & 3/
Defendants 2 & 3

PRAYER:- Civil Revision Petition filed under Article 227 of The Constitution of India as against the fair order and decretal made in I.A.No.09 of 2025 in O.S.No.1394 of 2012 on the file of the Principal District Munsif, Trichirappalli, dated 27.11.2025.

In both petitions:

For Petitioner : Mr.R.Sundar
For R1 : M/s.Suriya
for M/s.KBS Law Office
For R2 : Mr.Sriprasad
for M/s.R.B.Law Associates
For R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

COMMON ORDER

These revisions are filed against the orders made in I.A.Nos.08 and 09 of 2025 in O.S.No.1394 of 2012 on the file of the Principal District Munsif, Trichirappalli, dated 27.11.2025.

2. For the sake of convenience, the parties are referred to as per their ranks before the trial court.



CRP(MD). Nos.559 and 634 of 2026

3. O.S.No.1394 of 2012 is a suit filed for the following reliefs:

- a) *Declaring that a decree passed in O.S.No:169/2001 dated 21.01.2002 by the District Munsif Court at Tiruchi is ultravires, void ab-initio and illegal and as such no right, title and interest in conveyed over "C" schedule of property described hereunder.*
- b) *Consequently granting a mandatory Injunction directing the 2nd defendant/Tiruchi Municipal Corporation to demolish the entire building constructed over "C" Schedule here under*
- c) *awarding costs of the suit as against the 1" defendant and pass such further or other reliefs.*
- d) *consequently granting a mandatory Injunction directing the 1" defendant to demolish the entire building encroached and constructed over "A" Schedule property here under, which belongs to the plaintiff, measuring an extent of south to north on the west side 0.6 meter, on the east side 1.2 meter and east to west on both side 15.6 meter, totally measuring 153 sq.ft. of land on the Northern side of the plaintiff's "A" Schedule property and hand over vacant possession to the plaintiff, failing which, the Hon'ble court is at liberty to demolish the above encroachment area and thereby deliver vacant possession encroached by the 1" defendant.*

4. Summons were served on the defendants. The first defendant has filed a detailed written statement. On the basis of the pleadings, issues were framed and the parties went for trial. P.W.1 was examined



CRP(MD). Nos.559 and 634 of 2026

on 19.01.2023. The cross-examination of P.W.1 was completed on 04.01.2024. The plaintiff filed an application to re-open her evidence and to mark additional documents. That application was also allowed. P.W.1 was examined in chief on 27.06.2024. She was also cross-examined subsequently.

5. Thereafter, the defendants opened their evidence. The cross-examination of the first defendant was completed on 23.10.2024. The first defendant filed an application seeking production of certain documents. Thereafter, a new Counsel was engaged by the first defendant.

6. The new Counsel took out an application stating certain vital questions regarding the dispute between the plaintiff and a third party, by name, Boominathan and questions pertaining to "C" schedule property had not been raised at the time of the original examination. Hence, I.A.Nos.8 of 2025 and I.A.No.9 of 2025 were filed seeking to re-open and re-call the evidence of P.W.1. The plaintiff filed a detailed counter opposing the said applications. According to him, this was yet another attempt by the first defendant to drag on the matter.



CRP(MD). Nos.559 and 634 of 2026

7. The learned Munsif took into consideration that the suit had been pending for more than a decade and that a change of counsel is not a ground for seeking re-open and re-call of evidence, consequently, he dismissed the said petitions. Aggrieved by the same, the present revisions.

8. This Court entertained the revisions and ordered notice to the parties.

9. I heard Mr.R.Sundar, for the petitioner, M/s. Suriya appearing for M/s.KBS Law Office for the first respondent, Mrs.D.Farjana Ghousia, for the third respondent and Mr.Sriprasad appearing for R.B.Law Associates for the second respondent. I have gone through the records and I have applied my mind to the facts of the case.

10. Mr.R.Sundar and M/s. Suriya reiterated the contentions which were placed before the Trial Court.

11. The reasoning given by the learned Principal District Munsif, Trichirappalli that a change in counsel does not mean the



CRP(MD). Nos.559 and 634 of 2026

entire evidence must be re-opened, is certainly acceptable. Yet, that is not the ground on which the the first defendant sought to re-open the evidence.

12. According to him, there had been an earlier dispute between the present plaintiff and one, Boominathan in O.S.No.169 of 2001 on the file of the District Munsif Court at Trichirappalli. He seeks to cross-examine the plaintiff on this aspect. In addition, the first defendant, also seeks to cross-examine the plaintiff with respect to certain aspects in the "C" schedule property. The relief portion extracted above shows that the mandatory injunction is sought to demolish the entire superstructure that has already been raised over the suit property. As vital rights of immovable property are involved, I am of the view that one last opportunity can be granted to the first defendant to cross-examine the plaintiff.

13. Under Section 104 of the Code of Civil Procedure, it is always open to a party to assail any interlocutory order at the time of filing of the appeal. Lest, the first defendant takes a plea that he had filed an application for re-open and re-call and the same had been dismissed and thereby, giving him a ground in appeal, in the event of



CRP(MD). Nos.559 and 634 of 2026

the suit going against him, I am of the view that he can be permitted to cross-examine at the trial stage itself. As the first defendant has approached the court with a delay, P.W.1 would certainly be entitled to be remunerated by way of heavy costs.

14. Both Mr.Sundar as well as M/s. Suriya report that the case is listed for further progress on 08.04.2026.

15. In the light of the above discussion, the revisions are allowed on the following terms:

(i) The orders passed by the learned Principal District Munsif, Trichirappalli, in I.A.Nos.08 and 09 of 2025 in O.S.No.1394 of 2012 dated 27.11.2025 are set aside on the condition that the first defendant pays a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the plaintiff for each of those applications;

(ii) In case, the cost is not paid, the applications will automatically stand dismissed without further notice to this Court;



CRP(MD). Nos.559 and 634 of 2026

(iii) The learned Principal District Munsif, Trichirappalli, shall verify if the cost has been paid. If it has been so paid, the learned Munsif will re-call P.W.1 on 08.04.2026. M/s. Suriya assures that if cost is paid, P.W.1 will be present in the court on that day;

(iv) The learned Principal District Munsif, Trichirappalli, is requested to grant one opportunity alone to the first defendant to cross-examine P.W.1. The suit must not be adjourned for the purpose of further cross-examination. The cross-examination must be completed on that day;

(v) The witness must not be vexed by asking the very same questions which he had already answered.

Consequently, the connected miscellaneous petition is closed.

02.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM

Note: Issue order copy on **07.04.2026.**



CRP(MD). Nos.559 and 634 of 2026

TO,

1. The Principal District Munsif,
Trichirappalli,

2. The Section Officer,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRP(MD). Nos.559 and 634 of 2026

V. LAKSHMINARAYANAN,J

CM

CRP(MD). Nos.559 and 634 of 2026
and CMP(MDNo.2540 of 2026

02/04/2026