



C.R.P.(MD) Nos.604 and 605 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) Nos.604 and 605 of 2026
and
CMP(MD) Nos.2824 and 2825 of 2026**

Sethumahaali

... Petitioner in both CRPs.,
vs.

1.Palanivel

2.Kandhavel

... Respondents in both CRPs.,

COMMON PRAYER: Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 06.12.2025 passed in I.A.Nos.5 and 6 of 2025 in O.S.No.15 of 2022 on the file of the Subordinate Court, Mudukulathur.

For Petitioner
in both CRPs., : Mr.K.Raghul Priyan

For Respondents
in both CRPs., : Mr.PT.S.Narendravasan



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COMMON ORDER

These Civil Revision Petitions challenge the order dated 06.12.2025 passed in I.A.Nos.5 and 6 of 2025 in O.S.No.15 of 2022 by the learned Subordinate Judge, Mudukulathur.

2.These two Civil Revision Petitions are at the instance of the third defendant. The parties shall be referred to as their ranks in the suit.

3.The plaintiffs presented O.S.No.15 of 2022 on the file of the learned Subordinate Judge at Mudukulathur, seeking the relief of declaration of title and for a consequential relief of permanent injunction. Summons were served on the defendants. The defendants have filed a detailed written statement. Thereafter, the Court commenced the trial. The first plaintiff entered the witness box as PW1. Ex.A1 to Ex.A11 were marked.

4.On the basis of the oral and documentary evidences tendered, the learned counsel for the defendants cross-examined P.W1. The evidence on the plaintiffs' side was closed. It was listed for the



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defendants' evidence. The second defendant entered the witness box, deposed his case and marked evidence. On the conclusion of trial, the matter was listed for arguments.

5.At that stage, the third defendant filed two applications in I.A.No.5 of 2025 and I.A.No.6 of 2025, seeking the Court to re-open the evidence of PW1 and to re-call PW1 for the purpose of cross-examination on aspects of genealogy, as well as, title in respect of suit property. The Court ordered notice to the plaintiffs. They stoutly opposed the applications pleading that the suit has been pending for a long time and it had progressed to the stage of trial and that the idea of the defendants was only to delay and defeat the rights of the plaintiffs.

6.The learned Judge heard the arguments on both sides and dismissed the petitions on 06.12.2025. Hence, these Revisions.

7.I heard Mr.K.Raghul Priyan for the petitioner and Mr.PT.S.Narendravasan for the respondents.



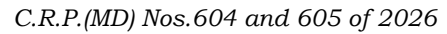
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8.While Mr.Raghul Priyan pleaded that if an opportunity is granted to the third defendant, he will cross-examine the first plaintiff on the same day and thereafter proceed for arguments.

9.Mr.PT.S.Narendravasan states that this is only a ruse to drag on the proceedings as long as possible and deny a religious institution its right over the property. He states that cross-examination was over as early as on 23.06.2023 and the attempt of the defendants to re-open the same after a period of three years indicates their state of mind.

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

11.Here is a suit for declaration of title and for injunction. The third defendant claims that the property had been purchased by her father-in-law's father, one Yakub and two other persons, namely, Ponniah and Gurusamy had purchased the property from one Vellaichamy. It is the further plea that Ponniah and Gurusamy had released their rights, which they had so purchased, in favour of Yakub. She further urges that Yakub had given the property to her



12. An important aspect of this case would be tracing of title from Vellaichamy to Yakub, Ponniah and Gurusamy and from them to Jeevaraj and finally to the third defendant. The third defendant wants to cross-examine the first plaintiff on these aspects. In a suit for title, if these aspects go uncontroverted, the defendants would not be left with any say in the suit. It is a settled rule that, if a party fails to cross-examine a witness on material points, they are deemed to have accepted the testimony as true (see, **A.E.G. Carapiet Vs. A.Y. Deriam, AIR 1961 Cal 359**).

13. Though the plea of Mr. PT. S. Narendravasan that it is an attempt to drag on the proceeding seems plausible, in order to obviate the plea that might be raised by the third defendant in the appellate Court that she had sought permission and the same had been denied, which she is entitled to, in terms of Section 104 of the Code of Civil Procedure, I feel one opportunity can be given, in the interests of justice, to the third defendant to cross-examine PW1.



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14.The aspect of delay can be addressed by fixing a date for appearance of PW1 and for the trouble that will be caused to the first plaintiff/PW1, heavy costs can be imposed. The third defendant cannot have any objection to that course of action, since it is the third defendant, who wants the luxury of litigation and no luxury comes free of cost.

15.In the light of the above discussions, balancing the interests of both parties, these Civil Revision Petitions are allowed on the following terms:-

i) The orders passed by the learned Subordinate Judge, Mudukulathur, dated 06.12.2025, in I.A.Nos.5 and 6 of 2025 in O.S.No.15 of 2022 are set aside on condition that the third defendant will pay a sum of Rs.10,000/- to the first plaintiff on or before **14.04.2026.**

ii) In case, the third defendant does not pay a sum of Rs. 10,000/- to PW1 within the aforesaid date, the benefit of this order will not enure to the Civil Revision Petitioner/third defendant.

iii) If the cost is paid, the learned Subordinate Judge at Mudhukulathur, shall verify the payment of costs and re-call P.W1 on **15.04.2026.**



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iv) PW1 will be cross-examined by the third defendant on that date.

v) No further adjournment will be granted to the third defendant for the purpose of cross-examination.

vi) Once the cross-examination of PW1 is over, the Court will hear the arguments of both sides and pronounce the judgment in the suit on or before **25.06.2026**.

vii) The Court shall submit a report of compliance with respect to the directions set forth above, along with a copy of the judgment pronounced in the suit.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Call on **29.06.2026** for reporting compliance.

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

26.03.2026

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Note : Issue order copy on 01.04.2026



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To

The Subordinate Judge, Mudukulathur.



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V. LAKSHMINARAYANAN, J.

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