



C.R.P.(MD) Nos.658 and 659 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2026

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) Nos.658 and 659 of 2026
and
CMP(MD) No.3048 of 2026**

1.Muthukaruppan

2.Muthu

3.Panchamuthu

4.Muniyandi

5.Arumugam

... Petitioners in both CRPs.,

vs.

1.Thayumanavan

2.Karthikeyan @ Karthick

3.Shanmuganathan

... Respondents in both CRPs.,

COMMON PRAYER: Petitions filed under Article 227 of the Constitution of India, to revise and to set aside the fair and executable order passed in I.A.Nos.12 and 13 of 2025 in O.S.No.73 of 2019 dated 06-01-2026 in the Court of the Additional District Judge, Ramathapuram in Ramanathapuram District.



C.R.P.(MD) Nos.658 and 659 of 2026

For Petitioners
in both CRPs., : Mr.S.A.Ajmal Khan

For Respondents : Mr.J.Barathan

COMMON ORDER

Heard Mr.S.A.Ajmal Khan, for the petitioners and Mr.J.Barathan, for the contesting respondents.

2.These two Civil Revision Petitions challenge the order passed by the learned Additional District Judge, Ramanathapuram, in I.A.Nos.12 and 13 of 2025 in O.S.No.73 of 2019, dated 06.01.2026.

3.The defendants 1 and 3 to 6 are the Civil Revision Petitioners. O.S.No.73 of 2019 is a suit for declaration of title and for recovery of possession amongst other reliefs. Post the service of summons, the defendants/Civil Revision Petitioners filed their statement. The evidence on both sides have been concluded and the matter is now listed for arguments of the defendants.

4.At this stage, the petitioners/defendants 1 and 3 to 6 filed applications to reopen and recall the evidence of D.W1 in order to mark certain exchange deeds and the judgement and decree passed in O.S.No.9 of 2010 on their side.



C.R.P.(MD) Nos.658 and 659 of 2026

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5.It is their plea that the plaintiffs had purchased the property from one Parandhaman and others. According to them, the suit property and adjacent properties belong to one Kangeyan Muthupillai and his brother Nagalingam Pillai. Between the two brothers, there was an oral partition and the suit property and other properties that are adjacent to it fell to the share of Kangeyan Muthupillai. Subsequently, the family members of Kangeyan Muthupillai, by name, Paranthaman, Thiruneelakandan and Kasinathan and the family members of Paranthaman, by name, Kamalapathi and Sevvantheeshwaran sold the property. One Muthu Ambalam purchased an extent of 1 acre and 67 cents on 31.03.1978 from Kangeyan Muthupillai. Muthu Ambalam, in turn, executed several settlement deeds and sale deeds concerning the extent that he had purchased from Kangayam Muthupillai. They are these sale and settlement deeds that the defendants 1 and 3 to 6 seek to bring before the Court.

6.The defendants 1 and 3 to 6 further pleaded that there was an *inter se* dispute between the legal heirs of Kangeyan Muthupillai and one Murugesan. This resulted in the said Murugesan filing a suit in



C.R.P.(MD) Nos.658 and 659 of 2026

O.S.No.9 of 2010 on the file of the District Court, Ramanathapuram.

The suit presented by Murugesan came to be decreed on 23.01.2015.

It was held that the legal heirs of Kangayam Muthupillai do not have any right over the property. The defendants 1 and 3 to 6 believe that production of this judgement and decree would assist them in getting the present suit of the plaintiffs defeated. Hence, they filed applications under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure to recall D.W1 and to mark the documents.

7.These applications were stoutly opposed by the plaintiffs in the trial Court and by Mr.J.Barathan before this Court by pleading that, the matter has been consistently dragged on for over 3 years without any progress. According to Mr.J.Bharathan, the plaintiffs had submitted their arguments and the defendants had been seeking adjournment on one ground or the other, without assisting the Court, to render a judgment on the merits of the case. As a final idea to drag on the case further, he urges that, the defendants 1 and 3 to 6 have filed the present petitions.

8.The learned Additional District Judge, Ramanathapuram, dismissed the petitions on the ground of delay alone.



C.R.P.(MD) Nos.658 and 659 of 2026

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

10.This is a suit for title. Valuable rights over an immovable property are involved. A party must be given an opportunity to lay before the Court all the evidence that is available with him/her in order to substantiate his/her case. If the trial Court was of the opinion that the defendants are trying to drag on the matter, the learned Judge could have fixed a time schedule and also imposed heavy costs on the party, so as to ensure that, the parties cooperate with the Court for disposal. A pedantic approach to Order XVIII Rule 17 of the Code of Civil Procedure, which results in shutting out of the evidence of a party, might not result in complete judgment being rendered.

11.Apart from this, in case the suit was to go against the defendants, it would give them an additional ground to raise before the first Appellate Court that they had attempted to bring forth certain documents, which are crucial to their case but the same had been shut out by the Trial Judge. Instead of putting an end to the



C.R.P.(MD) Nos.658 and 659 of 2026

litigation, it would only continue to fester. It is in the interest of the republic that a litigation comes to an end at the earliest. A practical approach to Order XVIII Rule 17 would have ensured that these Revisions did not arise before this Court at all.

12.Be that as it may, as the defendants 1 and 3 to 6 urge that the settlement deeds and sale deed executed by Kangeyan Muthupillai and the suit initiated by Murugesan might be of assistance to them to get the case of the plaintiffs defeated, I am inclined to give them one further opportunity to mark the documents. Both Mr.S.A.Ajmal Khan and Mr.J.Barathan report that the suit is listed for hearing on 17.03.2026.

13.These Civil Revision Petitions stand allowed with the following directions:-

i) The orders passed in I.A.Nos.12 and 13 of 2025 in O.S.No.73 of 2019, dated 06.01.2026 on the file of the learned Additional District Judge, Ramanathapuram are set aside.

ii) The applications will stand allowed on condition that the defendants 1 and 3 to 6/Civil Revision Petitioners will pay the plaintiffs a sum of Rs.25,000/- on or before **16.03.2026**.



C.R.P.(MD) Nos.658 and 659 of 2026

iii) The learned Additional District Judge at Ramanathapuram, on being satisfied that the costs has been paid as per the aforesaid clause will permit D.W1 to enter the witness box and mark the sale deed, exchange deed, settlement deed and the judgment and decree in O.S.No.9 of 2010 dated 23.01.2015 on the file of the District Munsif Court at Ramanathapuram.

iv) If the condition imposed by this Court is complied with, the plaintiffs will cross examine the defendants on **17.03.2026**.

v) If the Court so desires, the matter may be adjourned for one more day to give an opportunity to the plaintiffs to continue the cross-examination.

vi) In any event, the evidence in the suit must be closed by **18.03.2026**. The arguments of the parties will be heard and the judgement will be delivered on or before **30.04.2026**.

No costs. Consequently, connected Miscellaneous Petition is closed.

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

10.03.2026

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C.R.P.(MD) Nos.658 and 659 of 2026

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The Additional District Judge, Ramathapuram.



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C.R.P.(MD) Nos.658 and 659 of 2026

V. LAKSHMINARAYANAN, J.

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C.R.P.(MD) Nos.658 and 659 of 2026

10.03.2026