

C.R.P.(MD)No.1211 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

CORAM

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

C.R.P.(MD)No.1211 of 2026

and

C.M.P.(MD)No.5812 of 2026

1.M.A.Anandakumar

2.M.A.Senthil Prabhu

3.M.A.Agni Veerabathiran

... Petitioners

vs.

K.K.Sakunthala (died)

1.K.K.Indira

T.R.Sridaran (died)

E.S.Gayabai (died)

2.T.R.Vijayakumaran

3.O.D.Janabai

4.T.R.Ganesan

5.P.V.K.Sakthimai

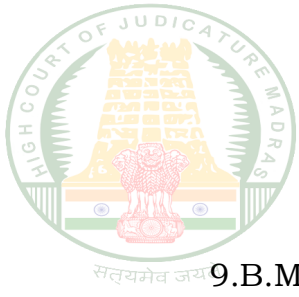
6.T.S.Chithramani

7.T.S.Sivakumar

8.E.S.N.Shyamala

T.D.Ramila (died),

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9.B.Mahendran

10.A.A.Dilipkumar

11.M.A.Jeyanthi

12.N.S.Vasanthi

13.T.S.Pramilla Devi

14.N.R.Mahalakshmi

15.T.S.Senthilkumar

16.T.S.Venkatesh Babu

17.T.V.Poornimadevi

18.E.R.Surendran

19.E.S.Nagarajan

20.E.S.Rajkumar

21.E.S.Geetha Rani

K.K.Thulasiram (died)

M.Alagar (died)

22.K.T.Balasubramanian

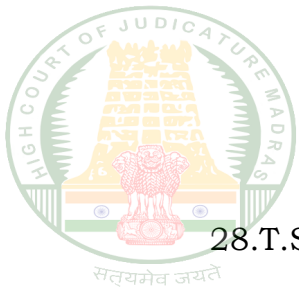
23.N.S.Gangadevi

24.A.M.Indirabai

25.T.S.Maheswari

26.K.K.Amarnath

27.K.A.Sudhagar



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28.T.S.Bhavana

29.N.M.Thulasidoss

30.N.T.Prasanth

31.B.B.Manusha

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the V-Additional District Court, Madurai in O.S.No.34 of 2016, dated 18.02.2026, by allowing the above Civil Revision Petition.

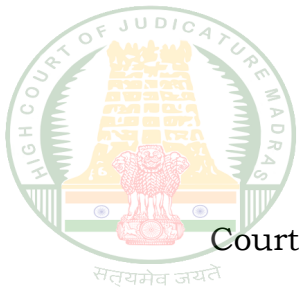
For Petitioners : M/s.R.Shankari

For Respondents : Mr.R.V.Jeevan Ram

ORDER

This matter was mentioned and moved by Mr.R.Ramasamy, urging that the evidence of defendants 3 to 5 had been closed by the Trial Court and that the documents filed by them had also been struck down. Considering that it is a suit for partition of the year 2016, I granted permission to Mr.R.Ramasamy.

2. When the matter came up on 27.04.2026, I did not admit the revision, as I did not want to add to the delay in the conclusion of the proceedings. However, I ordered notice to the contesting plaintiffs and also to the counsel who represented the plaintiffs before the Trial



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Court. I called upon Mr.R.Ramasamy to serve notice on the Counsel for the plaintiffs and granted an interim stay of the proceedings.

3. Summons have been served on Mr.R.V.Jeevan Ram, the Counsel who represents the plaintiffs in the Court below.

4. I heard one M/s.R.Shankari for the Civil Revision Petitioner and Mr.R.Jeevan Ram for the contesting parties.

5. O.S.No.34 of 2016 is a suit for partition and separate possession. In the said proceedings, the contesting defendants are defendants 3 to 5. I need not record here the entire history of the case. Suffice it to state that, after the evidence of the plaintiff was concluded, an application was filed to receive an additional written statement. The application was allowed on terms and the additional written statement was received. Thereafter, the Court posted the matter for recording the evidence of D.W.1. The matter was adjourned on 28.01.2026, 04.02.2026, 18.02.2026 and finally to 04.03.2026. On all the aforesaid dates, D.W.1 was absent. It was represented to the Court that defendants 3 to 5 had moved a transfer petition before the learned Principal District Court, Madurai, and therefore the learned Trial Judge should adjourn the matter. The learned Trial Judge



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recorded that, as no stay had been granted by the District Court, he would not wait for the outcome of the transfer petition and directed the suit to proceed further. As he did not find cooperation on the part of the defendants, he closed their evidence. Aggrieved by the same, the present revision has been filed.

6. Whatever might have transpired before the revision was presented, Mr.R.Ramasamy was clear, and so was M/s.Shankari, that the defendants 3 to 5, if given an opportunity, would cooperate with the Court for the disposal of the suit. In case the suit is decreed without the evidence of defendants 3 to 5, there is a possibility that they might file an appeal and urge that an opportunity was not granted to them during the course of the trial. This would only prolong the life of the litigation, rather than putting an end to a litigation that has been pending for a decade and more.

7. Furthermore, the right to present a defence in a suit is a valuable right. It should not be nixed casually. Hence, with the consent of both counsel, I passed the following order:

i) On the next date of hearing, namely 09.06.2026, defendants 3 to 5 will present their proof affidavit, after serving a copy on the counsel for the plaintiff.



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(ii) As a condition for re-opening the evidence of defendants 3 to 5, each of them shall pay a cost of Rs.5,000/- to the plaintiff, in all Rs.15,000/- (Rupees Fifteen Thousand only).

(iii) M/s.R.Sankari reports that she has three witnesses to be examined. On 09.06.2026, the first witness will enter the witness box and depose in chief examination. The Court may permit the plaintiff to cross-examine the witness on the same day or adjourn the matter to the next day, to enable the counsel for the plaintiff to cross-examine the first witness of defendants 3 to 5.

(iv) Once the cross-examination of the first witness is over, the chief examination of the second witness would commence. Yet again, it is open to the plaintiff to cross-examine the second witness on the same day or the next day.

(v) When the matter is posted on the next day, the third witness would have to be examined. The cross-examination would also have to be completed on that day or the next day. With that, the evidence of defendants 3 to 5 should be completed.



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(vi) The Court must then post the matter for arguments. The learned V-Additional District Judge is requested to hear the arguments of the plaintiff and defendants 3 to 5 and enter upon a judgment in the suit by **31.07.2026**.

(vii) In the event that any one of the aforesaid conditions is not complied with by the defendants, the Court is requested to close the defendants side evidence and proceed with the arguments.

8. The Civil Revision Petition is **allowed** in the above terms. Consequently, the connected miscellaneous petition stands closed.

02.06.2026

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

Note: (i) Issue Order Copy by 03.06.2026.

(ii) Registry is requested to mark a copy of this order by e-mail to the Vth-Additional District Judge, Madurai.

To:

1.The V-Additional District Court, Madurai.



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V.LAKSHMINARAYANAN, J.

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