



C.R.P.(PD)(MD)No.1412 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2026

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

C.R.P.(PD)(MD)No.1412 of 2023

and

C.M.P.(MD)No.7058 of 2023

1.Selvaraj

2.Dhanalakshmi

3.Rajathi

... Petitioners

Vs

Govindammal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 22.11.2022 in I.A.No.597 of 2022 in O.S.No.81 of 2016 on the file of the learned Principal Subordinate Judge, Pudukkottai.

For Petitioners : Mr.B.Rooban

For Respondent : Mr.E.Balasubramanian



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ORDER

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This Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners seeking to reopen the evidence.

2. The respondent herein filed a suit for declaration and permanent injunction. The evidence on the side of the plaintiff was closed on 21.07.2022. The matter was adjourned to 17.08.2022 for defendants' side evidence. It is stated that on 17.08.2022, there was no sitting and the matter was re-posted to 05.09.2022. On that day, the petitioners/defendants failed to produce the witnesses and hence defendants' side evidence was closed. Thereafter, the petitioners filed an application to reopen the evidence on 07.11.2022 and the said application was allowed on condition that the petitioners shall pay a cost of Rs.500/- to the respondent. A further condition was imposed that the petitioners shall lead evidence on the next date of hearing i.e., 22.11.2022. However, on the next date of hearing, though the petitioners reported that the cost was paid, they failed to lead evidence. Therefore, the application for reopen was dismissed. Aggrieved by the same, the petitioners have come before this Court.



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3. The learned counsel appearing for the petitioners would submit that the petitioners were not aware of the second condition imposed by the Court directing them to lead evidence on 22.11.2022 and hence, the petitioners failed to produce the witnesses on that day. It is further submitted that the condition imposed by the Court was not reflected in the B diary as well as in the E-courts extract. The learned counsel appearing for the petitioners also produced additional typed set of papers containing E-Court downloads which would establish that the conditional order passed by the trial Court was not at all reflected in the e-court daily orders status dated 07.11.2022.

4. Taking into consideration that the petitioners' side evidence was closed within two hearings and also the fact that the petitioners already paid the costs as imposed by the trial Court, this Court is inclined to take liberal view of the matter and give an opportunity to the petitioners to lead evidence.

5. Accordingly, this Civil Revision Petition stands allowed by setting aside the impugned order passed by the trial Court. The



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petitioners are directed to produce their witness (D.W.1) in the next hearing date ie., on 04.07.2026. The chief examination of D.W.1 shall be completed on the very same day. Cross examination of D.W.1 shall be completed within two hearings. If the petitioners want to produce any other witnesses, the same shall be completed within a further period of four weeks. Taking into consideration that the suit is of the year 2016, the trial Court is directed to dispose of the suit as expeditiously as possible. There shall be order as to costs. Consequently, connected miscellaneous petition is closed.

30.06.2026

NCC : Yes / No
Index : Yes / No

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To

- 1.The Principal Subordinate Judge, Pudukkottai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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