WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.09.2026

Pronounced on : 27. 10.2026

CORAM:

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRP(MD) NO. 2901 of 2024

{CNR: HCMD011208012024}

Case QR

and

C.M.P(MD)No.16586 of 2024

Madurai Jilla Mill Thozhilalargal Sangam (HMS)
Having office at
No.102, New Jail Road
Madurai - 625 010
represented through its General Secretary
V.Pather Vellai. .. Petitioner

Vs.

A.Ramachandran ..Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the Fair and Decreetal Order dated 21.09.2024 made in I.A.No.7 of 2024 in OS.No.100 of 2018 on the file of the Additional District Munsif Court, Thirumangalam.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.V.George Raja
for Mr.Ajmal Associates
For Respondent : Mr.T.K.Gopalan

ORDER

The Civil Revision Petition has been filed against the Fair and Decreetal Order dated 21.09.2024 made in I.A.No.7 of 2024 in OS.No.100 of 2018 on the file of the Additional District Munsif Court, Thirumangalam.

2. The petitioner's Sangam is the plaintiff, who filed a suit in O.S.No.100 of 2018 on the file of the Additional District Munsif Court, Thirumangalam, seeking for the relief of declaration declaring that the petitioner's sangam is the absolute owner of the suit property and for consequential relief of permanent injunction against the respondent/ defendant restraining him from interfering with the peaceful possession and enjoyment of the petitioner's sangam.

3. In the suit, the respondent/defendant was cross examined on 04.12.2023. Thereafter, the respondent filed an I.A.No.7 of 2024 to

https://www.mhc.tn.gov.in/judis

WEB COPY

delete some portions of his cross examination stating that those questions are unnecessary and noway related to the case. Therefore, he requested to strike off from 16th line to 33 line as follows :

" சிவனாத் என்பவர் சீதாலட்சுமி மில்லில் நிர்வாகியாக இருந்தார் என்றால் சரிதான். அவர் நிர்வாகிய இருந்தபோது கொலை செய்யப்பட்டார் என்றால் சரிதான். அந்த கொலை வழக்கில் காவல்துறையினர் என்னை பொய்யாக குற்றவாளியாக சேர்த்திருக்கிறார்கள் என்றால் சேர்த்துள்ளார்கள். அந்த வழக்கில் நான் கைது செய்யப்பட்டு சிறையில் இருந்தேன் என்றால் சரிதான். மேற்படி வழக்கில் என்னை குற்றவாளியாக சேர்க்கப்பட்டதால்தான் வாதி சங்கத்தில் இருந்து கிளைச்செயலாளர் பதவியில் இருந்தும், உறுப்பினர் பதவியில் நீக்கல் செய்தார்கள் என்றால் சரியல்ல. அதனடிப்படையில் தான் வாதி சங்கத்தில் இருந்து என்னை நீக்கினார்கள் என்றாலும், மத்திய சங்கத்தில் இரண்டு பிரிவுகளாக பிரிந்ததால் என்னை நீக்கினார்கள் என்று பொய்யாக சொல்கிறேன் என்றாலும் சரியல்ல.

எனக்கு கொடுத்த தண்டனைக்கு எதிராக மேல்முறையீடு தாக்கல் செய்தேன் என்றால் சரிதான். அந்த மேல்முறையீடு தள்ளுபடி செய்யப்பட்டு விட்டது என்றால் சரிதான். மேல்முறையீடு தள்ளுபடி செய்யப்பட்ட பிறகு தண்டனை காலத்தை சிறையில் இருந்து அனுபவித்து முடித்தேன் என்றால் சரிதான்".

https://www.mhc.tn.gov.in/judis

WEB COPY

4.It is well settled that once the evidence of a witness has been recorded on oath and the witness has been subjected to cross-examination, there is no provision under the Code of Civil Procedure to delete or expunge a portion of such deposition merely on the ground that the questions put to the witness or the answers elicited therefrom are irrelevant to the issues involved in the suit. The deposition, having been recorded as part of the judicial proceedings, must remain on record, and its evidentiary and probative value has to be assessed by the trial Court at the time of final adjudication.

5.In the present case, the respondent/defendant entered the witness box and was cross-examined by the learned counsel for the petitioner/plaintiff. During such cross-examination, specific questions were put to him regarding his involvement in a murder case, his conviction, the sentence imposed upon him and the circumstances under which he was removed from the office and membership of the petitioner's Sangam. The respondent/defendant answered those questions, and the deposition was duly recorded. At this stage, he cannot seek deletion of the

https://www.mhc.tn.gov.in/judis

WEB COPY

answers already elicited merely by contending that the questions were irrelevant to the subject matter of the suit.

6. It is true that the principal issue in the suit concerns the title to and possession of the suit property and the petitioner's entitlement to the relief of declaration and permanent injunction. Nevertheless, the relevance, admissibility and probative value of the answers elicited during cross-examination are matters to be considered by the trial Court while appreciating the entire evidence on record. If the trial Court ultimately finds that the particular portion of the deposition has no relevance to the matters in controversy or does not assist in determining the credibility of the witness, it may decline to place reliance upon that portion of the evidence while rendering its judgment. Such a determination, however, cannot be a ground for deleting the deposition itself.

7. In ***Perumayee v. Madhamma***l, in C.R.P. No.2345 of 2022, dated 24.04.2024, this Court reiterated that there is no provision for eschewing evidence already recorded on oath and that the evidentiary value of such evidence must be considered at the appropriate stage of the

https://www.mhc.tn.gov.in/judis

WEB COPY

proceedings. The Division Bench of this Court, in ***S. Nirmala and Others v. Shanthi Harikrishnan and Others***, in O.S.A.Nos.187 of 2024, dated 17.10.2024, also reiterated the principle that evidence already recorded cannot be eschewed merely on account of a subsequent objection and that its probative value must be assessed during the final evaluation of the case.

8. The judgments relied upon by the learned counsel for the respondent/defendant do not justify the deletion of the deposition already recorded in the present case. The principle governing amendment or striking out of pleadings cannot be mechanically applied to the deletion of evidence recorded during the examination of a witness. Pleadings and evidence stand on different legal footings, and the power relating to amendment of pleadings under Order VI Rule 17 of the Code of Civil Procedure cannot, by itself, confer jurisdiction upon the trial Court to expunge a portion of a witness's deposition already recorded on oath.

9. In the circumstances, the mere assertion that the questions and answers relating to the respondent's alleged involvement in a criminal

https://www.mhc.tn.gov.in/judis

WEB COPY

case and the circumstances of his removal from the Sangam are irrelevant to the suit is insufficient to warrant their deletion from the deposition. The respondent/defendant is at liberty to contend that such evidence is irrelevant or deserves no weight, and the trial Court shall consider the same in accordance with law while appreciating the evidence as a whole. However, the deposition already recorded must remain part of the judicial record.

10. In view of the foregoing discussion, this Court is of the considered view that the trial Court has committed an error in allowing I.A. No.7 of 2024 and directing the deletion of a portion of the deposition of D.W.1. The impugned order dated 21.09.2024, passed in I.A. No.7 of 2024 in O.S. No.100 of 2018, on the file of the Additional District Munsif Court, Thirumangalam, is therefore liable to be set aside.

11. Accordingly, the Civil Revision Petition is allowed, and the order dated 21.09.2024 passed in I.A. No.7 of 2024 in O.S. No.100 of 2018 is set aside. The portion of the deposition of D.W.1 sought to be deleted shall remain on record, and its admissibility, relevance and

https://www.mhc.tn.gov.in/judis

WEB COPY

probative value shall be considered by the trial Court at the time of final adjudication, in accordance with law and on the basis of the evidence available on record. The trial Court shall proceed with the suit uninfluenced by any observations made herein on the ultimate merits of the dispute. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2026

Index : Yes / No

NCC : Yes / No

RM

https://www.mhc.tn.gov.in/judis

WEB COPY

To

The Additional District Munsif Court,

Thirumangalam.

Copy to

1.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.

https://www.mhc.tn.gov.in/judis

WEB COPY

R. POORNIMA, J.

RM

C.R.P(MD)No.2901 of 2024

27.10.2026

https://www.mhc.tn.gov.in/judis