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C.R.P.(MD)Nos.2669 and 2670 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.04.2026**

CORAM

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

C.R.P.(MD)Nos.2669 and 2670 of 2025
and
C.M.P.(MD)Nos.15698 and 15700 of 2025

C.R.P.(MD)No.2669 of 2025:

C.Anitha Valarmathy

... Petitioner

vs.

The Branch Manager,
Shriram Transport Finance Company,
Thisayanvilai,
Thisayanvilai (Taluk),
Tirunelveli District.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 19.07.2025 made in I.A.No.9 of 2025 in O.S.No.25 of 2019 on the file of District Munsif Court, Nanguneri and allow the Civil Revision Petition.

For Petitioner : Ms.C.Anitha Valarmathy
(Party-in-person)

For Respondent : Ms.Dhanya
For Mr.Anath C.Rajesh

C.R.P.(MD)No.2670 of 2025:

C.Anitha Valarmathy

... Petitioner



C.R.P.(MD)Nos.2669 and 2670 of 2025

vs.

The Branch Manager,
Shriram Transport Finance Company,
Thisayanvilai,
Thisayanvilai (Taluk),
Tirunelveli District.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order dated 19.07.2025 made in I.A.No.10 of 2025 in O.S.No.25 of 2019 on the file of District Munsif Court, Nanguneri and allow the Civil Revision Petition.

For Petitioner : Ms.C.Anitha Valarmathy
(Party-in-person)

For Respondent : Ms.Dhanya
For Mr.Anath C.Rajesh

COMMON O R D E R

Heard Ms.C.Anitha Valarmathy (Party-in-person) and
Ms.Dhanya for Anath C.Rajesh appearing for Respondent.

2. These two revisions impugn the common order passed by the learned District Munsif, Nanguneri in allowing the applications filed to reopen and recall P.W.1 for the purpose of cross examination.



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3. The plaintiff is the Civil Revision Petitioner and the respondent is the defendant.

4. For the sake of convenience, the parties shall be referred to as per their rank in the suit.

5. O.S. No. 25 of 2019 was filed by the plaintiff seeking the relief of permanent injunction. A written statement was filed. With the pleadings completed, issues were framed, and the parties were sent for trial. The plaintiff, as P.W.1, entered the witness box. The matter was adjourned repeatedly for cross examination from 12.06.2024 to 13.11.2024. Apart from sporadic cross-examination, the evidence was not completed. The learned Trial Judge closed the evidence of P.W.1 and posted the matter for the defendant's evidence. The defendant did not open his side from 21.01.2025 to 26.06.2025. Thereafter, the defendant filed two applications in I.A. No. 9 of 2025 and I.A. No. 10 of 2025 to reopen and recall the evidence of P.W.1 for cross-examination. The learned Judge received the counter from the plaintiff and allowed the applications on costs. Aggrieved by the same, the plaintiff is before this Court.



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6. Ms.C.Anitha Valarmathy (Party-in-person) and Ms.Dhanya representing Mr.Anath C.Rajesh for respondent, reiterated their contentions before the Trial Court.

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

8. It is not disputed that the cross examination of P.W.1 has not been completed by the defendant. Cross examination is an extremely important tool in the hands of the adversary during the course of trial. Unless and until the evidence tendered by one party is fully cross-examined, the opposing party runs the risk of the uncontroverted portion of the evidence in chief being treated as an admission. The suit, being one for injunction relating to immovable property, cannot be dealt in a casual manner. It is in those circumstances, the learned Trial Judge, in the interest of justice, felt that an opportunity be granted to the defendant to cross examine P.W.1.

9. The learned Judge, who had the benefit of seeing the parties before him, has exercised his discretion. Unless and until the discretion is so capricious, arbitrary, or exercised in an unjudicious



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manner which no reasonable person would have, it should not be normally interfered with in exercise of powers of revision. The learned Trial Judge has decided to give an opportunity to the defendant. The suit, though of the year 2019, had seen the light of trial only in the year 2024. Hence, I am of the view that the order permitting the defendant to recall the plaintiff for cross examination does not suffer from any infirmity.

10. Yet, I should take note of the fact that the learned Judge, taking into consideration that the plaintiff is traveling all the way from Chennai to Nanguneri for trial, a distance of more than 700 kilometers, has imposed a mere cost of Rs.2000/-, i.e., Rs.1000/- per application. That would hardly be sufficient for the plaintiff to purchase tickets to travel to Nanguneri, let alone the other incidental expenses connected with such travel. Therefore, that portion alone requires modification.

11. Hence, the Civil Revision Petitions are **partly allowed** with the following directions:

(i) The order passed in I.A.Nos.9 and 10 of 2025 in O.S.No.25 of 2019, dated 19.07.2025 is upheld.



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(ii) The condition of Rs.1000/- per application imposed by the learned Judge alone is modified.

(iii) The defendant shall pay the plaintiff a sum of Rs.10,000/- less the amount already deposited in the Court.

(iv) On payment of the aforesaid amount, the learned Judge is requested to permit the defendant to cross examine the plaintiff on the next hearing date, which both sides state is **24.04.2026**.

(v) The cross examination by the defendant should be concluded on **27.04.2026**.

(vi) Apart from the two adjournments, no further adjournment must be granted to the defendant for the purpose of cross examination.

No costs in these revisions. Consequently, the connected miscellaneous petitions stand closed.

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

07.04.2026



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To:

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The District Munsif Court, Nanguneri.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
C.R.P(MD)Nos.2669 and 2670 of 2025

07.04.2026