



C.R.P(MD)No.218 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.01.2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

C.R.P(MD)No.218 of 2026

and

C.M.P(MD)No.877 of 2026

Ponnachi (Died)

1.Poomani

2.P.Paul Raj

3.P.Raj

4.P.Azhagesan

5.P.Nesamony

6.Mageswari

7.P.Balakrishnan

8.P.Lekshmi

... Petitioners/Petitioners

Vs.

1.Suseela

2.Satheesh

... Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order, dated 28.02.2025 passed in I.A.No.5 of 2024 in O.S.No.34 of 2008 on the file of the District Munsif Court, Eraniel, by allowing this Civil Revision Petition.

For Petitioner : Mr.C.S.Lenin



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ORDER

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This Civil Revision Petition has been filed challenging the order passed in I.A.No.5 of 2024, dated 28.02.2025, by the learned trial Judge, whereby, the petition filed by the revision petitioners to recall P.W.1 for the purpose of cross-examination was dismissed.

2. The revision petitioners are the defendants in the suit. The case was posted for cross-examination of P.W.1 on several occasions from 01.03.2024 to 06.12.2024. Thus, the cross-examination of P.W.1 was kept pending from March 2024 to December 2024, i.e., for a period of nearly nine months. The trial Court had granted repeated opportunities to the revision petitioners to cross-examine P.W.1.

3. The records reveal that the matter was adjourned on several occasions for the purpose of cross-examination of P.W.1, namely on 01.03.2024, 05.04.2024, 14.06.2024, 12.07.2024, 30.08.2024, 25.10.2024, 05.11.2024, 15.11.2024, 22.11.2024 and finally on 06.12.2024. Despite the repeated opportunities granted by the trial Court, the revision petitioners failed to cross-examine P.W.1. In view of the same, the trial Court closed the cross-examination of P.W.1 on



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06.12.2024.

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4. Thereafter, the revision petitioners filed an application in I.A.No.5 of 2024 seeking to recall P.W.1 and to reopen the cross-examination. The learned trial Judge, after considering the reasons stated in the affidavit filed in support of the application, found that no valid or sufficient reasons were assigned for recalling P.W.1 and accordingly dismissed the application by order, dated 28.02.2025.

5. This Court has carefully considered the submissions made and also perused the materials placed on record. It is seen that the trial Court had granted more than sufficient opportunities to the revision petitioners to cross-examine P.W.1. The cross-examination was kept pending for nearly nine months. Even after repeated adjournments, the revision petitioners did not choose to cross-examine P.W.1.

6. The power to recall a witness is discretionary and such discretion has to be exercised only when sufficient and valid reasons are shown. In the present case, the revision petitioners have not assigned any valid reason either before the trial Court or before this Court as to why



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they were unable to cross-examine P.W.1 despite the several opportunities were granted.

7. It is also relevant to note that the impugned order was passed on 28.02.2025, whereas the present Civil Revision Petition has been filed only on 08.12.2025. Such belated filing also shows the lack of diligence on the part of the revision petitioners.

8. In view of the above facts and circumstances, this Court is of the considered opinion that the learned trial Judge was justified in dismissing the application filed to recall P.W.1 for cross-examination. This Court does not find any illegality or infirmity in the order passed by the trial Court warranting interference.

9. Accordingly, this Civil Revision Petition is dismissed as devoid of merits. Consequently, the connected Miscellaneous Petition is closed.

No costs.

30.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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WEB COPY To

- 1.The District Munsif Court,
Eraniel.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR,J.

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