



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 211 and 212 of 2026 and

CMP Nos.866 and 875 of 2026

J.Selvamani (Died),

James (died)

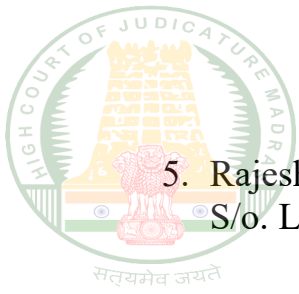
J.Stalin Sampathkumar (died)

1. J. Santhi Premkumar, S/o. A.James,
2. J.Chandrasekaran, S/o. A.James,
Petitioners 1 and 2 are residing at No.368,
C.S.I.Street, Kavindachipalayam Post,
Vadamugam Vellodu Via,
Perundurai Taluk, Erode District.

R.Prematamilselvi (Died)

3. Seema Priyadharshini,
D/o. Late R.Prematamilselvi,
4. Arun Prasath
S/o. Lat R.Prematamilselvi,
Petitioners 3 and 4 are residing
at No. 368, CSI Street,
Kavindachipalayam Post,
Vadamugam Vellody Via,
Perundurai Taluk, Erode District.

Sheela Thangam (Died)



5. Rajesh Dhivakar
S/o. Late J.Stalin Sampathkumar,

6. Ragul Dhinakar
S/o. Late J.Stalin Sampathkumar,
Petitioners 5 and 6 are residing at at H-316,
Muthampalayam, Housing Unit,
Phase-I, Erode District-02.

..Petitioner(s)

Vs

S.Selvi W/o. S.K.Sadasivam,
No.21, Rudis Colony,
46 Pudur Post, Erode 638 002.

..Respondent(s)

Prayer in CRP No.211 of 2026: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Docket order dated 02.12.2025 made in IA No. 16 of 2025 in OS No. 298 of 2009 on the file of the Learned Subordinate Judge, Perundurai by allowing this CRP.

Prayer in CRP No.212 of 2026: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Docket order dated 02.12.2025 made in IA No. 15 of 2025 in OS No. 298 of 2009 on the file of the Learned Subordinate Judge, Perundurai by allowing this CRP.

For Petitioner(s): Mr. B Mohan



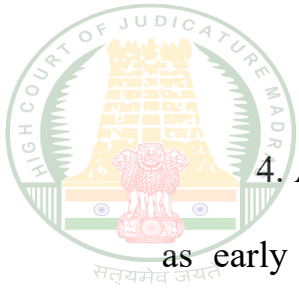
COMMON ORDER

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These civil revision petitions are filed challenging the orders passed by the Trial Court, dismissing the applications filed by the petitioners seeking to reopen the case and to re-call the PW1.

2. The respondent herein /plaintiff filed a suit in O.S.No.298 of 2009 for declaration of title and permanent injunction. The suit was filed in the year 2009 and trial was completed and it was posted for written arguments by the petitioners/defendants. At this stage, the present applications have been filed by them to reopen the case and to recall PW1. The said applications were dismissed by the Trial Court. Aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioners, by taking this court to the averments contained in the affidavit filed in support of the petitions, submitted that the petitioners acquired knowledge about the judgment passed in a litigation involving the respondent/ plaintiff and the judgment delivered in the said litigation is vital to decide the present suit. The learned counsel further submitted that a police complaint was given against the respondent/plaintiff before the Vellore Police Station and the defendants have to cross examine the plaintiff with regard to the said complaint.



4. A perusal of the impugned order would reveal that PW1 was examined as early as on 06.04.2011. As the petitioners/defendants failed to cross examine the PW1, ex parte decree was passed and the same was set aside on the application filed by the petitioners. Thereafter, PW1 was cross examined on 21.08.2024 and 04.09.2024. After closing of evidence by both sides, the matter was posted for arguments. Though the plaintiff submitted her written arguments, the petitioners/defendants took several adjournments for filing written arguments and then they filed the present applications to reopen the case and to re-call PW1. The petitioners did not refer about the litigation in their pleadings and they have not explained how the judgment delivered in an another litigation will have a bearing on the present suit.

5. The respondent/plaintiff filed a suit for declaration of title and permanent injunction. The criminal complaint given by the petitioners against the respondent/plaintiff may not have any bearing to decide the title of the suit property. Therefore, the Trial Court rightly observed that the reasons given by the petitioners for recalling PW1 are not acceptable and dismissed the application, by taking into consideration the previous conduct of the petitioners in dragging on the suit. I do not find any serious error in the impugned order to interfere the same.



6. Accordingly, these civil revision petition are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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21-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST

To

The Subordinate Judge, Perundurai.



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CRP Nos. 211 and 212 of 2



S.SOUNTHAR, J.

MST

CRP Nos. 211 and 212 of 2026

21-01-2026