



CRP No.5230 of 2025
and CMP No.26326 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.03.2026

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

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and CMP No.26326 of 2025

Mariswaran

... Petitioner

vs

1.Pravesh Kumar
2.Dr.Abharani
3.A.S.Mani

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 22.09.2025 passed in IA No.07 of 2025 in OS No.3861 of 2021 on the file of the XXI Additional City Civil Court, Allikulam, Chennai.

For Petitioner	: Mr.W.M.Abdul Azeez
For R1 & R2	: Mr.R.Bharath Kumar
For R3	: Mr.P.M.Duraisamy

ORDER

Challenging the impugned order dated 22.09.2025 passed in I.A.No.7 of 2025 in O.S.No.3861 of 2021 on the file of the XXI



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Additional City Civil Court, Allikulam, Chennai, the revision has been preferred by the second defendant.

2. The revision petitioner / second defendant, filed an application before the Trial Court to recall DW1 to cross examine and the same was denied by the Trial Court on the ground stating that no satisfactory ground was submitted by him to cross examine DW1. On the other hand, in all the entire proceedings he was sailed along with DW1 and therefore the reason assigned for cross examination is not sustainable. Accordingly, the petition was dismissed. Aggrieved over the same, the present revision petition is filed.

3. Heard Mr.W.M.Abdul Azeez, learned counsel for the petitioner, Mr.R.Bharath Kumar, learned counsel for the respondents 1 & 2 and Mr.P.M.Duraisamy, learned counsel for the third respondent.

4. The learned counsel for the revision petitioner submits that at the time of filing the written statement, he was sailing with the first defendant, but on seeing the evidence now the necessity arose for the

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second defendant to cross examine DW1 as there is a difference of opinion between them.

5. The learned counsel appearing for DW1/3rd respondent herein submits that the revision petitioner has no right to cross examine the first defendant, as already he adopted the written statement filed by him and to that effect the observation made by the Trial Court requires no interference. Therefore, he prayed for dismissal of the petition.

6. The learned counsel appearing for the plaintiffs / respondents 1 and 2 submits that already the evidence was closed and the case is posted for judgment on 29.10.2025, in the meanwhile, the present application was filed by the second defendant without any sufficient reason and in order to drag on the proceedings, this application has been filed. He further submits that already DW1 was cross examined by the plaintiffs extensively on 29.03.2022 itself and neither sufficient reason was assigned for recall DW1 nor the submission made by the revision petitioner also not sustainable. Therefore, the order passed by the Trial judge requires no interference.



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7. The facts reveals that trial in the suit case was posted for judgment on 29.10.2025. At that stage, the second defendant wants to recall DW1. It is also undisputed that the written statement filed by D1 was adopted by D2. The fact also reveals that the first defendant is the publisher and the second defendant is the reporter, against both, the plaintiffs has come forward with the suit for damages now the second defendant is not working under the first defendant and difference of opinion arose between them. So in order to prove his defence and to defend himself, the second defendant / revision petitioner wants to cross examine DW1 independently. Now the fact also reveals that there is no cordial terms, he wants to defend the case separately only with regard to cross examination of DW1 not with the plaintiffs. Therefore, one more opportunity is given to the revision petitioner / second defendant to defend himself.

8. Accordingly, this revision petition is allowed and the order dated 22.09.2025 passed in IA No.07 of 2025 in OS No.3861 of 2021 on the file of the XXI Additional City Civil Court, Allikulam, Chennai is set aside.

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The revision petitioner / second defendant is permitted to cross examine

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DW1. After closure of the cross examination, the Trial Court is directed to proceed with the matter. It is very specifically stated that the second defendant admits that he wants to cross examine only DW1 not with the plaintiffs, within two weeks from the date of receipt of a copy of this order and after that within six weeks, the Trial Court is directed to dispose of the case. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

18.03.2026

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

Issue order copy on 23.03.2026

To

1. The XXI Additional City Civil Court, Allikulam, Chennai.



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T.V.THAMILSELVI, J.

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