

C.R.P.(MD)Nos.3781 and 3782 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2026

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)Nos.3781 and 3782 of 2025
and
C.M.P.(MD)Nos.19903 and 19910 of 2025

Nirmala

... Petitioner in both cases

-VS.-

Murugesan

...Respondent in both cases

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India to set aside the order of the trial Court in I.A.Nos.3 and 4 of 2025 in O.S.No.743 of 2023 on the file of the Subordinate Court, Musiri, dated 23.10.2025.

For Petitioner :Ms.N.Zubaitha Banu
For Respondent :Ms.M.Sudha Rani
for Mr.G.S.Ashok Adhithyan
(in both cases)



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COMMON ORDER

The present Civil Revision Petitions have been filed challenging the order passed by the learned Subordinate Judge, Musiri. in I.A.Nos.3 and 4 of 2025 in O.S.No.743 of 2023, dated 23.10.2025.

2.Heard Ms.N.Zubaitha Banu, learned Counsel for the Revision Petitioner and Ms.M.Sudha Rani, learned Counsel representing Mr.G.S.Ashok Adhithyan, learned Counsel for the respondent.

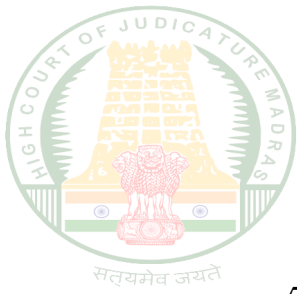
2.The petitioner herein, as plaintiff, has filed a suit in O.S.No.743 of 2023 before the Subordinate Court, Musiri, for the relief of specific performance and for other reliefs, against the respondent/defendant. During the pendency of the suit, the respondent herein has filed applications in I.A.Nos.3 and 4 of 2024 to reopen and recall the evidence of the plaintiff for further cross examination of PW-1 and PW-2. The learned Subordinate Judge, Musiri, vide impugned order, dated 23.10.2025, had allowed the said applications. Challenging the same, the above Civil Revision Petitions have been filed.



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4.The learned Counsel for the petitioner submitted that filing the present applications for reopen and recall PW-1 and PW-2, after they cross examined on 03.10.2024 and 27.01.2025 cannot be accepted and the trial Court has erred in holding that one more opportunity can be given to the defendant for reopen and recall the evidence of PW-1 and PW-2. The order of the trial Court is only based on presumptions, surmises and conjectures, which are not relevant to the circumstances of the case. She also submitted that the trial Court without considering the fact that no further development has been made out after the cross examination of PW-1 and PW-2 and that the reasons assigned by the trial Court are unsustainable and unfounded. The learned Counsel also submitted that the plaintiff is always ready and willing to pay the outstanding sale consideration of Rs.50,000/-, however, only with an intention to drag on the proceedings, the present applications have been filed only to fill up the lacunae, which have been erroneously allowed by the trial Court, which needs interference of this Court.

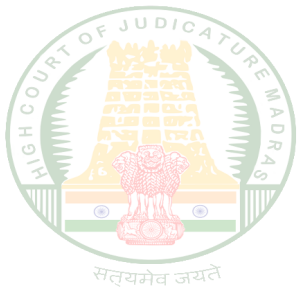


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5.*Per contra*, the learned Counsel for the respondent submitted that the subsequent to the cross examination of PW-1 and PW-2, the defendant came to know that some important questions are omitted during the cross examination and after engaging a new Counsel, the defendant has filed the present applications, which has been rightly allowed by the trial Court. The learned Counsel also submitted that there is no intention on the part of the respondent to drag on the proceedings and the respondent is always ready and willing to cooperate with the trial proceedings. It is her further submission that even when the matter is posted before mediation, the petitioner herein has not appeared before the mediation, which shows the intention of the petitioner in dragging the proceedings. She also submitted that the trial Court after considering the entire facts and circumstances of the case and after perusing the material evidence available on record, has rightly passed the impugned order, which does not warrant interference of this Court.

6.This Court considered the submissions made on either side and perused the materials available on record.



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7.From the perusal of the records would reveal that the petitioner has filed a suit for specific performance of a sale agreement, dated 04.07.2022 against the respondent herein. After the cross examination of PW-1 and PW-2, the respondent herein have filed applications to reopen and recall the evidence of the plaintiff for further cross examination of PW-1 and PW-2. The trial Court, after considering the arguments on both sides and after perusing the entire materials available on record, has allowed the said applications. The submission of the learned Counsel for the petitioner that these applications have been filed only with an intention to drag on the proceedings. However, as rightly pointed out by the trial Court, after engaging a new Counsel, the respondent came know about some new facts and came to know that some questions are not asked to the witnesses, and that giving one further opportunity to the respondent will not cause any irreparable loss to the petitioner. Further, from the order passed by the trial Court, this Court does not find any infirmity or irregularity in the order passed by the trial Court.



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8.In the result, the Civil Revision Petitions are dismissed for devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2026

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

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To

The Subordinate Judge, Musiri.



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N.SENTHILKUMAR, J.

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