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CRP.Nos.2864 & 3728 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Reserved on:
09.9.2026**

**Delivered on:
11.9.2026**

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

**Civil Revision Petition Nos.2864 & 3728 of 2025
& CMP.Nos.16188 & 19856 of 2025**

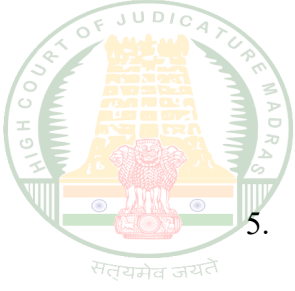
CRP.No.2864 of 2025:

K.Narayanasamy
S/o Late G.Kandasamy,
No.2A, G.D.Street, Coimbatore.

...Petitioner

Vs

1. Dr.K.Balasundaram
No.3-1, G.D.Road,
Race Course, Coimbatore-18
2. K.Venkatesh
No.364, Bharathiar Road,
Coimbatore
3. N.Shanthi
No.2A, G.D.Street,
Coimbatore
4. Sujai Senthil
No.2A, G.D.Street,
Coimbatore



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5. Siranjivi Saravanan
No.2A, G.D.Street,
Coimbatore
6. Kavitha Venkatesh
No.2A, G.D.Street,
Coimbatore
7. Adithi Venkatesh
No.2A, G.D.Street,
Coimbatore.

...Respondents

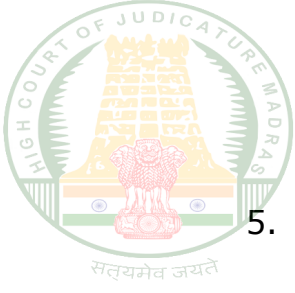
CRP No.3728 of 2025 :

Adithi Venkatesh
D/o. K.Venkatesh,
No.2A, G.D.Street,
Coimbatore.

...Petitioner

Vs

1. Dr.K.Balasundaram,
No.3-1, G.D.Road,
Race Course,
Coimbatore 18
2. K.Narayanasamy
S/o. (late) G. Kandasamy,
No.2A, G.D.Street,
Coimbatore.
3. K.Venkatesh
No.364, Bharathiar Road,
Coimbatore.
4. N.Shanthi
No.2A, G.D.Street,
Coimbatore.



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5. Sujai Senthil
No.2A, G.D.Street,
Coimbatore.
6. Siranjivi Saravanan
No.2A, G.D.Street,
Coimbatore.
7. Kavitha Venkatesh
No.2A, G.D.Street,
Coimbatore.

..Respondents

PETITIONS under Article 227 of The Constitution of India
against the fair and decretal order dated 12.3.2025 made in I.A.No.
8 of 2025 in O.S.No.581 of 2012 on the file of the Third Additional
District Court, Coimbatore.

For Petitioner in
CRP.No.2864 of 2025
&
R2 in CRP.No.3728 of
2025:

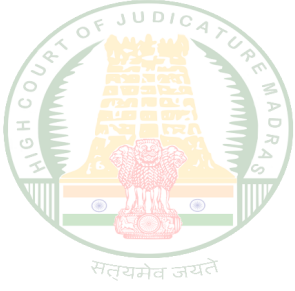
Mr.T.M.Hariharan

For Petitioner in
CRP.No.3728 of
2025:

Mr.G.M.Ananthakumar

For Respondents:

Mr.Navaneeth Ragavachari for
Mrs.V.Srimathi for R1
in both cases



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Ms.L.Leela Raman for R2 & R6
in CRP.No.2864 of 2025

R3 to R5 & R7 in
CRP.No.2864 of 2025 &
R3 to R7 in
CRP.No.3728 of 2025:
Served & no appearance

COMMON ORDER

These civil revision petitions have been filed under Article 227 of The Constitution of India against the fair and decretal order dated 12.3.2025 made in I.A.No.8 of 2025 in O.S.No.581 of 2012 on the file of the Third Additional District Court, Coimbatore (for short, the Court below) wherein the application filed by the first respondent/plaintiff to appear before the Court below through video conferencing (VC) mode in order to give evidence stood allowed.

2. Heard the respective learned counsel for the petitioner in both the cases and the respective learned counsel appearing for the contesting respondents.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available



on record and more particularly the impugned order.

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4. The first respondent/plaintiff filed the said suit seeking for the relief of partition and for allotment of 1/3rd share in the suit properties, for a declaration to declare the decree dated 17.3.2004 passed in O.S.No.828 of 2023 on the file of the District Munsif Court, Coimbatore as null and void and for permanent injunction restraining the defendants from encumbering or alienating the suit properties.

5. After framing the issues, the suit was at the stage of examination of witnesses on the side of the first respondent/plaintiff. At that point of time, the first respondent/plaintiff filed I.A.No.8 of 2025 to permit him to appear through the VC mode for giving evidence as P.W.1.

6. The said application came to be allowed by the impugned order mainly on the ground that the first respondent/plaintiff is aged about 72 years, that he is a doctor practising at London, that he was present during three previous hearings for cross examination, but

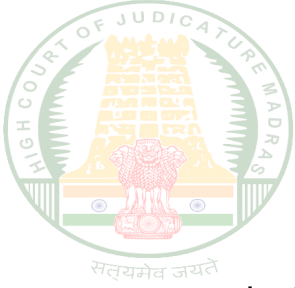


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was not cross examined, as a result of which, the evidence on the side of the plaintiff was closed on 29.11.2021, that thereafter, the defendants filed I.A.Nos.4 and 5 of 2024 to reopen the case and to recall P.W.1 for cross examination, that they were allowed by the Court below on 03.1.2025, that the first respondent/plaintiff underwent a bypass surgery, that due to his health issues, he was advised not to travel for a long distance and that under such circumstances, the first respondent/plaintiff filed I.A.No.8 of 2025 requesting the Court below to appear through the VC mode to give evidence. Aggrieved by that, defendants 1 and 7 have filed the above civil revision petitions.

7. When the matters were taken up for hearing on 27.8.2026, this Court, on hearing both sides, suggested that the matter could be resolved amicably between the parties. The matters were once again taken up for hearing on 08.9.2026, on which date, it was informed to this Court by the learned counsel appearing for the first respondent/plaintiff in both the cases that there was no scope for any settlement in these cases. Accordingly, the matters were directed to be listed for hearing on 09.9.2026.



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8. The respective learned counsel appearing for the petitioner in the above revisions submitted that the first respondent/plaintiff alleged fraud and forgery and relied upon several documents, that the schedule of properties would include division of some companies, that therefore, the physical presence of the first respondent/plaintiff would be necessary to effectively cross examine him with respect to those documents, that the petitioners would even incur the travel expenses of the first respondent/plaintiff and that a time frame may also be fixed by this Court for completion of the cross examination of P.W.1.

9. In order to substantiate their submissions, the judgment of the Hon'ble Apex Court in ***Salem Advocate Bar Association, TN Vs. Union of India [reported in 2005 (6) SCC 344]*** was relied on behalf of the respective petitioner. The Madras High Court Video Conferencing Rules, 2026 were also brought to the notice of this Court.

10. It was further submitted on behalf of the petitioner in these cases that examination through VC mode would involve a



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huge procedure and considering the complexity of this case, the matter would only be dragged since the cross examination could not be conducted effectively and therefore, insisted that the physical presence of the first respondent/plaintiff would be required in this case.

11. Per contra, the learned counsel appearing for the first respondent/plaintiff in both the cases submitted that the first respondent/plaintiff is an aged person, that he underwent a bypass surgery, that he has been advised not to travel for a long distance, that the first respondent/plaintiff is willing to cooperate for the cross examination through the VC mode and that the petitioners herein are insisting for the physical presence of the first respondent/plaintiff only to harass him since, on three earlier occasions, he was present in person, but was not cross examined by the petitioners, that the evidence was closed on his side and that thereafter, the case was reopened and now, the petitioners are insisting for the physical presence of the first respondent/plaintiff.

12. On a careful reading of the Madras High Court Video



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Conferencing Rules, 2026, which apply to all courts and tribunals situated within the State of Tamil Nadu and the Union Territory of Puducherry, it is seen that several guidelines have been given for effective conduct of proceedings through the VC mode and hence, if the guidelines are followed, the proceedings can be conveniently conducted in the VC mode.

13. In the case in hand, the first respondent/plaintiff is aged 72 years and he has undergone a bypass surgery and has been advised not to undertake a long distance travel. Unfortunately, when the first respondent/plaintiff was available before the Court below for three hearings, the petitioners, for the reasons best known to them, did not cross examine him and the evidence on his side was closed. After the case was reopened at the instance of the defendants, the petitioners are insisting for the physical presence of the first respondent/plaintiff.

14. The judgment of the Hon'ble Apex Court that was relied upon on behalf of the petitioners in ***Salem Advocate Bar Association, TN*** will not apply to the facts of the present case. In



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that judgment, at paragraph 5, the Hon'ble Apex Court was dealing with a scenario of appointing an advocate commissioner to record evidence and it was ultimately held that where the case involves complex questions of title or allegations of fraud and forgery or complex questions in partition, such examination should normally be conducted in the Court and not by the commissioner.

15. In the case in hand, the examination is going to be conducted only by the Court below and the only difference is that P.W.1, instead of appearing in person, will appear through the VC mode. Therefore, the complexity that was discussed in the said judgment of the Hon'ble Apex Court will not apply to the case in hand.

16. A stage has come where any proceedings can be conducted through the VC mode. Several complex arbitration cases involving large turnover and several volumes of documents are being conducted conveniently through the online/VC mode. This is the reason as to why the Madras High Court Video Conferencing Rules, 2026 were notified and the same provide for the procedure to



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be followed to record the evidence through the VC mode. Hence, the Court below can never dispense with or refuse to conduct examination of witnesses through the VC mode just because the case involves several documents or complex issues.

17. In the case in hand, it is certainly not a complex issue since the first respondent/plaintiff is seeking for the relief of partition and for allotment of 1/3rd share in the suit properties. The first respondent/plaintiff is also seeking to declare the judgment and decree dated 17.3.2024 in O.S.No.828 of 2023 on the file of the District Munsif Court, Coimbatore as null and void. Hence, the cross examination of the first respondent/plaintiff (P.W.1) can be easily conducted through the VC mode.

18. The age and health ailments faced by the first respondent/plaintiff justify his appearance before the Court below through the VC mode. While the Court below conducts the trial, it goes without saying that the Madras High Court Video Conferencing Rules, 2026 shall be strictly followed. In the considered view of this Court, the impugned order passed by the Court below does not suffer from any



perversity warranting the interference of this Court under Article 227 of The Constitution of India.

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19. It is quite surprising that the petitioners are insisting for the physical presence of the first respondent/plaintiff whereas the petitioners missed the bus when the first respondent/plaintiff was, in fact, present physically in India at least for three hearings. There is no reason for the first respondent/plaintiff to be physically present to depose unless the Court below finds it difficult to proceed further with the cross examination of P.W.1 in the VC mode.

20. In the result, both the civil revision petitions are dismissed. There shall be a direction to the Third Additional District Court, Coimbatore to dispose of O.S.No.581 of 2012 within four months from the date of receipt of a copy of this order. No costs. Consequently, the connected CMPs are also dismissed.

11-09-2026

Index: Yes
Speaking order
Neutral Citation: Yes



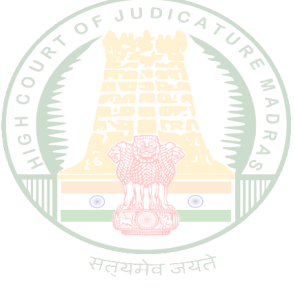
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To
The Third Additional District Court,
Coimbatore.

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RS



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N.ANAND VENKATESH,J

RS

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CMP.Nos.16188 & 19856 of 2025**

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