

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD) No.1022 of 2015
and M.P.No.1 of 2015

T.V. Narasimhan

.... Petitioner

vs

1. Lakshmi Rajagopal
2. Usha Narayanan
3. Gomathy Krishnasamy

.... Respondents

Civil Revision Petitions filed under Section 227 of the Constitution of India against the order dated 22.12.2014 in O.S.No.4554/2012 on the file of XV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr..N.A. Nissar Ahmed
For R.1 & R.2 : Mr.G. Ilangovan
For R.3 : Mr.P.B. Balaji

ORDER

Challenging the order dated 22.12.2014, passed by the XV Additional Judge, City Civil Court, Chennai, in the suit in O.S.No.4554 of 2012, the first defendant has filed the present Civil Revision Petition.

2. When the suit in O.S.No.4554 of 2012 was taken up for trial, at the instance of the plaintiff, D.W.1 was recalled, on payment of cost of Rs.10,000/-, however, the first defendant, after filing the proof affidavit, could not appear before the trial court for cross examination. Therefore, the trial Court struck off the evidence of D.W.1 and posted the matter for further examination to some other date. Aggrieved over this order, the first defendant has filed the above Civil Revision Petition.

3. The plaintiffs and the second defendant also wanted to cross examine the first defendant.

4. In these circumstances, in the interest of justice and in order to give one more opportunity to the first defendant, to complete his evidence, I am of the view that the order passed by the trial Court on 22.12.2014 in O.S.No.4554 of 2012 can be set aside.

5. The learned counsel appearing for the petitioner/first defendant submitted that the first defendant would appear before the trial Court on 10.08.2015. Therefore, the plaintiffs and the second defendant shall cross examine the first defendant within one week from 10.8.2015.

6. In these circumstances, the order passed by the trial Court in

O.S.No.4554 of 2012 dated 22.12.2014 is set aside and the Civil Revision Petition is allowed, on condition that the petitioner/first defendant, paying a sum of Rs.5,000/-(Rupees five thousand only) to the plaintiffs/respondents 1 and 2 on or before 14.08.2015. No costs. Consequently, connected MP is closed.

20-07-2015

sr

Index:no
website:yes

To

The XV Additional Judge, City Civil Court, Chennai.

M. DURAISWAMY,J.,

sr

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20-7-2015