

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(PD)Nos.2996 and 3713 of 2015 and
M.P.No.1 of 2015 in C.R.P.No.3713 of 2015

S.Rajasekaran

... Petitioner in both petitions

vs.

1.S.Ramesh
2.S.Suresh
3.J.Kalpana
4.Padmavathi
5.Dr.S.Mohandoss
6.State Bank of India
Seerangapalayam Branch
By Branch Manager

...Respondents

Civil Revision Petitions filed under Article 227 of the Constitution of India as against the decreetal order dated 28.04.2015 passed in I.A.Nos.8 and 13 of 2015 in S.O.P.No.3 of 2012 on the file of Principal Subordinate Judge, Salem.

For Petitioner : Mr.B.Vijayakumar

ORDER

The petitioner is the third respondent in S.O.P.No.3 of 2012 on the file of Principal Subordinate Judge, Salem.

2. The petitioners in S.O.P.No.3 of 2012, who are respondents 1 to 3 in these revision petitions filed I.A.Nos.8 and 13 of 2015 to re-open the case and to re-call the first petitioner in S.O.P.No.3 of 2012 as P.W.1 for marking of

petition mentioned documents. The said applications were allowed on 28.04.2015. These revision petitions are filed against the said order dated 28.04.2015.

3. Heard the learned counsel for the petitioner.

4. The learned counsel for the petitioner has strenuously contended that the Trial Court has committed grave error in allowing the applications, without giving opportunity to the revision petitioner to file counter. Hence, he prays for setting aside the order dated 28.04.2015.

5. I have considered the submissions made by the learned counsel for the petitioner.

6. It is not the case of the revision petitioner that he was not put on notice about the aforesaid applications in I.A.Nos.8 and 13 of 2015. Those applications were served on the petitioner. Thereafter, the Trial Court thought it fit to allow the applications, particularly, taking note of the fact that the petitioners in S.O.P.No.3 of 2012 obtained certified copies only at that time.

7. It is useful to extract the following passage of the order dated 28.04.2015 in this regard:-

"The case is posted for arguments on 28.04.2005. At this

stage, this petition is filed to mark the documents the certified copy of the S.O.P.2/2001 and also the order passed in that S.O.P. The other documents that a memo filed in that Succession O.P. stating that there is no legal heirs to the petitioner. The above said 3 documents are certified copies of the document which is admissible in evidence. It is very important to decide the issue involved in the petition. Thought the case is posted for arguments and it is very important documents."

8. Taking note of the aforesaid passage and also the finding of the Trial Court that no prejudice would be caused to the other side, I am not inclined to interfere with the order of the Trial Court. The revision petitioner would have ample opportunity to cross-examine P.W.1 when documents are marked.

9. In view of the above, the Civil Revision Petitions fail and accordingly, the same are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.09.2015

Index : Yes/No
svki
To

The Principal Subordinate Judge, Salem.

D.HARIPARANTHAMAN,J.,

svki

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16.09.2015