

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NOS.805 AND 806 OF 2015
AND M.P.NO.1 OF 2015

Subramaniam ... Petitioner in both CRPs'

Vs.

Abaramoorthy ... Respondent in both CRPs'

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the order and decretal order dated 12.12.2014 passed in I.A.No.997 of 2014 and I.A.No.980 of 2014 in O.S.No.233 of 2008 by the learned District Munsif, Avinashi, Tirupur District.

For Petitioner : Mr.P.Tamilavel

COMMON ORDER

These Civil Revision Petitions are directed against the order dated 12.12.2014 passed in I.A.No.997 of 2014 and I.A.No.980 of 2014 in O.S.No.233 of 2008 by the learned District Munsif, Avinashi, Tirupur District.

2.The petitioner is the defendant in O.S.No.233 of 2008. The

respondent had instituted the suit against the petitioner for specific performance of the agreement dated 06.06.2005. The defendant has filed his written statement and contested the suit.

3.The petitioner filed applications in I.A.Nos.997 and 980 of 2014 to reopen and recall P.W.1 for further cross examination. In the applications, the petitioner has stated that to seek clarifications in the sale deed dated 11.09.2008, further examination of P.W.1 is very much necessary. The applications were opposed by the respondent by filing counter affidavit. The Trial Court dismissed both the applications on 12.12.2014. Aggrieved by the same, the present Civil Revision Petitions are filed.

4.Mr.P.Tamilavel, learned counsel for the petitioner submitted that the petitioner / defendant stood as a guarantor for the loan obtained by his sister in the year 1999 and the signature obtained in the blank stamp paper was misused by the plaintiff by colluding with other persons and to elicit the fact, further examination of P.W.1 is very much necessary in this case.

5.It is seen that the plaintiff has filed the suit for specific performance on the basis of the agreement dated 06.06.2005. Admittedly, the evidence of the plaintiff was over and now the suit is posted for examination of

the defendant's side evidence. The petitioner can very well produce the sale deed dated 11.09.2008 in support of his case. The Trial Court has rightly observed that the document can be marked by the petitioner in his evidence while dismissing the applications. Hence, I do not find any illegality or irregularity in the order impugned in these Civil Revision Petitions.

6.In the result, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.02.2015

Index : Yes/No
Internet : Yes/No
TK

To

The District Munsif
Avinashi,
Tirupur District.

K.KALYANASUNDARAM, J.
TK

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