

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

C.R.P.(PD) Nos.1116 and 1117 of 2013

and

M.P.No.1 of 2013 in C.R.P.(PD) No.1116/2013

Kuppusamy

... Petitioner in both C.R.Ps.

Vs.

1. Perumal

2. Govindhan

...Respondents in both C.R.Ps.

Prayer in C.R.P.No.1116/2013: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.12.2012 made in I.A.No.1279 of 2012 in O.S.No.302 of 2009 on the file of the District Munsif Court, Mettur.

Prayer in C.R.P.No.1117/2013: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.12.2012 made in I.A.No.1280 of 2012 in O.S.No.302 of 2009 on the file of the District Munsif Court, Mettur.

For Petitioner : Mr.P.Mani

For First Respondent :Mr.D.Selvaraju

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COMMON ORDER

Civil Revision Petition No.1116 of 2013 is filed by the petitioner/first defendant, against the order dated 06.12.2012 passed by the learned District Munsif Court, Mettur, in I.A.No.1279 of 2012 in O.S.No.302 of 2009, in and by which, the said I.A. filed to re-open the case for recall of P.W.1, was dismissed.

2. Civil Revision Petition No.1117 of 2013 is filed by the petitioner/first defendant, against the order dated 06.12.2012 passed by the learned District Munsif Court, Mettur, in I.A.No.1280 of 2012 in O.S.No.302 of 2009, in and by which, the said I.A. filed to recall P.W.1, was dismissed.

3. The learned counsel for the petitioner/first defendant contended that the suit is at the stage of examination of witnesses and some important questions were omitted to be put to P.W.1 and hence, the civil revision petitioner/first defendant filed the applications to re-open the case and to recall P.W.1. He further contended that P.W.1 has to be recalled for examination in respect of some revenue documents produced, and the same is necessary to decide the dispute in this case. Hence, the learned counsel prayed that both the civil revision petitions may be allowed.

4. The learned counsel for the first respondent/plaintiff contended that the applications were filed only to drag on the proceedings and hence, both the civil revision petitions are not maintainable. However, he prayed that both the civil revision petitions may be allowed on terms.

5. Heard the learned counsel appearing for the revision petitioner/first defendant and the learned counsel appearing for the first respondent/plaintiff and perused the materials available on record.

6. In this case, considering the fact that after the examination of P.W.1 is over, the petitioner/first defendant filed the applications to re-open the case and to recall P.W.1, this Court is of the considered view that the civil revision petitions have to be allowed on some terms.

7. Accordingly, the impugned orders are set aside and both the Civil Revision Petitions are allowed on payment of costs of Rs.1,000/- (Rupees One Thousand only) by the civil revision petitioner/first defendant to the learned counsel for the first respondent/plaintiff, on or before 08.01.2016, failing which, both the civil revision petitions shall stand dismissed automatically without further reference to this Court. The Court below is directed to complete the trial within a period of three months from the date

of payment of said costs and report the disposal of the suit to this Court. Consequently, connected Miscellaneous Petition is closed.

18.12.2015

Index :Yes / No

Internet :Yes / No

Jrl

To

The District Munsif,
Mettur.

G.CHOCKALINGAM, J.

Jrl

C.R.P(PD).Nos.1116 & 1117/2013

18.12.2015