

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) Nos.261 & 262 of 2006

Sunil Kumar Suresh Chand

... Petitioner in both
writ petitions

Vs.

Sunder Rajan
Proprietor,
Sri Sundaram & Co.,
Rep. by its P.A.Holder,
Mr.Thrivengadam,
5-A, Kumarappa Maistry Street,
Chennai-600 001.

... Respondent in both
Writ petitions

Prayer in CRP No.261 of 2006: Petition filed under Article 227 of the Constitution of India praying to call for the records in I.A.No.22704 of 2005 in O.S.No.424 of 2003 on the file of the XVI Assistant City Civil Court, Chennai and set aside the order dated 06.01.2006.

Prayer in CRP No.262 of 2006: Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.22705 of 2005 in O.S.No.424 of 2003 dated 06.01.2006 on the file of the XVI Assistant Judge, City Civil Court, Chennai, by which the said petition which was filed for recall the plaintiff, viz., PW1 for the purpose of further cross-examination was dismissed.

For Petitioner : Mr.R.Natesh Kumar

COMMON ORDER

These revisions have been directed against the order passed by the XVI Assistant Judge, City Civil Court, Chennai in I.A.Nos.22704 and 22705 of 2005 in O.S.No.424 of 2003.

2. The first defendant in the suit has filed the applications to reopen the case and recall PW1 for the purpose of further cross-examination. The respondent had instituted the suit against the petitioner for recovery of money and other reliefs.

3. The main contention of the petitioner is that he is a permanent resident of Madhya Pradesh and after going through the evidence of the plaintiff, the petitioner wanted to cross-examine PW1 to clarify ambiguities in the evidence. The said application was rejected on the ground that the second defendant was examined as DW2 and the suit is posted for arguments.

4. Mr.R.Natesh Kumar, learned counsel for the petitioner submitted that the first defendant has not examined any witnesses on his side and there are ambiguities in the evidence of PW1 and requested for clarification by the first defendant. Learned counsel for the petitioner further submitted that in the interest of justice, PW1 has to be subjected for further cross-examination.

5.It is seen that the respondent has filed the suit against the petitioner for recovery of money and the other reliefs. After the examination of witnesses by the plaintiff, the petitioner has filed the application to reopen and recall PW1 for further cross-examination.

Considering the prayer sought for in the application, in the interest of justice, this Court is of the view that the petitioner should be given an opportunity to cross-examine PW1 further.

6.In view of the above finding, the orders passed in I.A.Nos.22704 and 22705 of 2005 on the file of the XVI Assistant Judge, City Civil Court, are hereby set aside. Accordingly, the Civil Revision Petitions are allowed. No costs.

09.03.2015

Index : Yes/No

Internet : Yes/No

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To

The XVI Assistant Judge,
City Civil Court,
Chennai

K.KALYANASUNDARAM, J

C.R.P.(PD) Nos.261 & 262 of 2006

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