



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.01.2015

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P(PD) (MD)No.70 of 2015

and

M.P(MD)No.2 of 2015

Santhanam

..Petitioner

Vs

A.S.Ramasamy

..Respondent

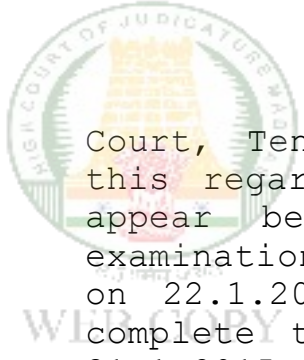
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying this Court to set aside the fair and decretal order made in I.A.No.738 of 2014 in O.S.No.130 of 2010 dated 8.1.2015 on the file of the Principal Sub-Court, Tenkasi, Tirunelveli District.

For Petitioner :M/s.M.Suri

ORDER

This revision is filed challenging the order of the Principal Sub-Court, Tenkasi closing the evidence of the defendant for his non-cooperation. Earlier the Principal Sub-Court, Tenkasi had appointed a Commissioner to cross-examine the defendant at his place as he was not in a condition to travel to Tenkasi from Nagercoil, where he resides. The Commissioner appointed has filed a memo on two occasions namely on 25.12.2014 and 30.12.2014. He went to the residence of the defendant to cross-examine him. However, the Petitioner/defendant did not cooperate in the process of cross-examination and the Commissioner had to return the warrant. On 8.1.2015, the trial Court has closed the evidence of the Petitioner/defendant stating that inspite of appointing a Commissioner to cross-examine him, he has not co-operated for cross-examination. Challenging the said order, the present revision has been filed.

2.As the revision Petitioner has been indifferent in extending his co-operation in the process of cross examination, this Court feels that the Commissioner need not be directed to go again to visit the Petitioner's residence to cross-examine him. However, in the interest of justice, this Court feels that an opportunity may be granted to the Petitioner/defendant to go to Principal Sub-



Court, Tenkasi and subject himself to cross-examination and in this regard a final chance may be given for the Petitioner to appear before the trial Court for the purpose of cross-examination. The Petitioner has to appear before the trial Court on 22.1.2015 for cross examination and the trial Court should complete the cross examination of the Petitioner on or before 31.1.2015 and the trial Court is also directed to dispose of the main suit itself on or before 31.3.2015.

3. With the above observation, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

The Principal Subordinate Judge, Tenkasi, Tirunelveli District.

+1cc to Mr.M.Suri, Advocate, in SR. No.1957.

C.R.P(PD) (MD) No.70 of 2015
19.01.2015

vsn

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